Appendix I
Agency Coordination

United States Department of the Interior

FISH AND WILDLIFE SERVICE
Louisiana Ecological Services
200 Dulles Drive
Lafayette, Louisiana 70506

March 31, 2020

Colonel Stephen Murphy
District Commander
U.S. Army Corps of Engineers
7400 Leake Avenue
New Orleans, LA 701118-3651

Dear Colonel Murphy,

The U.S. Fish and Wildlife Service (Service) has completed our review of Environmental Assessment (EA) #576 titled "Bipartisan Budget Act (BBA) Construction Projects; West Shore Lake Pontchartrain (WSLP), Comite River Diversion, and East Baton Rouge (EBR) Flood Risk Management, BBA Construction Mitigation." The U.S. Army Corps of Engineers, Mississippi Valley Division, New Orleans District (USACE) prepared the EA to evaluate alternatives to compensate for unavoidable impacts to significant resources associated with construction of the BBA 2018 Construction Projects. The Service offers the following comments in accordance with the National Environmental Policy Act (NEPA) of 1969 and the Fish and Wildlife Coordination Act (FWCA) (48 Stat. 401, as amended; 16 U.S.C. 661-667e). This Final FWCA report has been coordinated with the Louisiana Department of Wildlife and Fisheries (LDWF) and constitutes the report of the Secretary of Interior, as required by Section 2(b) of the FWCA. The LDWF comments have been incorporated into this report and are attached.

The WSLP project is located in southeast Louisiana on the east-bank of the Mississippi River in St. Charles, St. John the Baptist, and St. James Parishes in Southeast LA. Construction of the WSLP was authorized as part of the Water Infrastructure Improvement for the Nation Act (WIIN Act, Public Law 114-322) in 2016. Construction of the WSLP Project was funded by the BBA 18. The project, as described in the 2016 Environmental Impact Statement (EIS), is approximately 18.3 miles in length and includes 17.3 miles of levee, one mile of T-wall, four pumping stations with associated drainage structures, two additional drainage structures, one gated rod crossing, two gated railroad crossings, and approximately 35 utility relocations. Shifts in the approved alignment are currently being considered as further engineering and design of the project continues. If these changes are shown to be necessary a supplemental NEPA document would be prepared to address them. Based on the possible changes to date, the project could impact as much as 10,875 acres of swamp and 4,893 acres of wetland bottomland hardwoods (BLH-Wet) in the Louisiana (LA) Coastal Zone (CZ). This equates to a mitigation need of approximately 1,504 average annual habitat units (AAHUs) of CZ swamp and 343 AAHUs of CZ BLH-Wet. Some swamp impacts would occur within the Maurepas Swamp Wildlife Management Area operated by the LA Department of Wildlife and Fisheries (LDWF). Impacts to LDWF wildlife management areas should be mitigated on the impacted

area or on adjacent lands selected by LDWF that are purchased by USACE and incorporated into the managed area.

The Comite project is located in East Baton Rouge Parish in the southern portion of the Comite River Basin. The project was authorized by Section 101(11) of the Water Resources Development Act of 1992 (Public Law 102-580), as amended and reauthorized by Section 301(b)(5) of the Water Resources Development Act of 1996 (Public Law 104-303), and as amended by Section 371 of the Water Resources Development Act of 1999, Public Law 106-53, with technical corrections to Section 371 contained in Section 6 of Public Law 106-109. The primary project features include a control structure at the Comite River; a control structure at Lilly Bayou; three control drop structures at the intersections of the diversion channel with White, Cypress and Baton Rouge Bayous; a drop control structure in the vicinity of McHugh Road; two railroad bridges; four highway bridges; and one parish road bridge. Based on the currently approved plan, approximately 891 acres and 704.6 AAHUs of BLH-Wet would be impacted by the construction of this project. Construction of some project features was previously completed and compensation for those earlier construction impacts was also previously completed. To date, 385.62 AAHUs have been mitigated, leaving 319 AAHUs of remaining mitigation.

The EBR project is located in East Baton Rouge Parish and is intended to reduce flooding throughout East Baton Rouge Parish by improving approximately 66 miles of channels in 5 sub-basins including: Jones Creek and tributaries, Ward Creek and its tributaries, Bayou Fountain, Beaver Bayou, and Blackwater Bayou and its main tributary. Construction of the Amite River and Tributaries, Louisiana, East Baton Rouge Parish Watershed flood risk management project within the parish of East Baton Rouge, Louisiana was authorized by Section 101(21) of the Water Resources Development Act of 1999, Public Law 106-53, as modified by Division D, Section 116 of the Consolidated Appropriations Resolution of 2003, Public Law 108-7, and Section 3074 of the Water Resources Development Act of 2007, Public Law 10-114. Based on the currently approved plan, the project would impact approximately 293 acres of BLH-Wet which would require approximately 383 AAHUs of BLH mitigation.

In total, the USACE anticipates BBA 18 Construction Projects to impact 343 AAHUs of BLH-Wet CZ (WSLP), 702 AAHUs of BLH-Wet Non-CZ (EBR and Comite), and 1,504 AAHUs of Swamp CZ (WSLP). While the BBA Construction Projects are three different projects, the compensatory mitigation alternatives for those projects were evaluated together in the EA per NEPA regulations.

The USACE solicited input into the development of mitigation alternatives via the scoping process. In addition, they also searched for measures beyond what was submitted during their Industry Day. In an effort to expedite implementation of the mitigation projects and ensure mitigation occurs concurrent with construction of the BBA Construction Projects (WRDA 1986, Section 906), the other sources utilized to obtain additional measures included:

- Measures identified for Hurricane & Storm Damage Risk Reduction System (HSDRRS) Mitigation (thorough investigations in the LPB and Barataria Basins were made under this study). Includes expansion of those project areas or projects that were not implemented by that program.

- Publicly owned properties inside the Lake Pontchartrain (LPB) Basin, Mississippi River Basin (MSRB) (which included BBA Construction Project lands), and the southern Mississippi Alluvial Plain.
- Measures identified by the resource agencies.

In total, the USACE provided the Service 11 mitigation sites to evaluate for BLH and/or swamp impacts. USACE approved mitigation banks with perpetual conservation servitudes within the Lake Pontchartrain Basin (LPB), Mississippi River Basin (MSRB), and the larger watershed currently in compliance with their mitigation banking instrument (MBI) and able to service the habitat types impacted by the BBA Construction Projects were also considered as potential mitigation measures. In addition, the Service proposed that former sand and gravel mines along the Amite River be evaluated as potential mitigation sites.

It was determined that the Tentatively Selected Alternative (TSA) would include a combination of mitigation bank credit purchases and USACE constructed projects (if necessary). The Amite River restoration sites were not selected to be included as part of the TSA. The TSA is to purchase mitigation bank credits within the appropriate basin first, then purchase mitigation bank credits outside of the appropriate basin, and if AAHUs are still required, to construct the USACE projects in the order presented in the table below.

Table 1. Tentatively Selected Alternative

	Projects	**Habitat**	**AAHUs**	**Acres**
BLH-Wet in CZ (WSLP)	Mitigation Bank (LPB)	BLH-wet		TBD
	Mitigation Bank (OB)	BLH-wet		TBD
	Saint John (LPB)	BLH-wet	42.1	94.7
	Albania South (OB)	BLH-wet	Max of 99	Max of 180
	Albania North (OB)	BLH-wet	Max of 99	Max of 190.4
Swamp in CZ (WSLP)	Mitigation Bank (LPB)	Swamp		TBD
	Mitigation Bank (OB)	Swamp		TBD
	Pine Island (LPB)	Swamp	774.7	1,965.0
	Joyce (LPB)	Swamp	195.1	1,126.1
	Albania South (OB)	Swamp	up to 87.7	up to 192.1
	Albania North (OB)	Swamp	up to 424.1	up to 964.8
	Cote Blanche (OB)	Swamp	up to 212.1	up to 446
BLH-Wet Out of CZ (Comite, EBR)	Mitigation Bank (LPB or MSRB)	BLH-wet		TBD
	Mitigation Bank (OB)	BLH-wet		TBD
	Ascension (LPB)	BLH-wet	28.5	55.8
	Feliciana (LPB)	BLH-wet	155.6	267.0
	GBRPC (LPB)	BLH-wet	54.1	134.9
	St James (LPB)	BLH-wet	676.2	1246.0

LPB – In Lake Pontchartrain Basin. MSRB – Mississippi River Basin. OB – Outside LPB or MSRB.

If USACE solicits the purchase of bank credits, mitigation banks wishing to sell credits to satisfy the BBA Construction Projects' mitigation obligations would be encouraged to submit competitive bids. However, if, based on cost and considering other factors, the CEMVN determines the purchase of mitigation bank credits is not cost effective or would not be appropriate, the next ranked project for that habitat type would be implemented

SERVICE POSITION AND RECOMMENDATIONS

Proactive coordination via NEPA and the FWCA should be undertaken to improve the efficiency of mitigation planning efforts. The Transfer Fund Agreement of 2003 states, ". . . FWCA activities means FWS involvement early and throughout the Corps process of project development and implementation. . . " and that "[t]the FWS participates as an active planning team member to conduct studies and investigation on fish and wildlife aspects of Corps water resources projects . . ." Service participation in the BBA 18 mitigation planning process was limited, therefore, future development, evaluation and refinement of any mitigation alternative should be fully coordinated with the Service and other natural resource agencies. All WVAs prepared by the Service for BBA 18 mitigation alternatives should be considered preliminary drafts and this should be indicated in all text referencing those WVAs. Refinement of those WVAs should be undertaken as project details are developed.

The projects being mitigated are associated with flood control projects that had varying degrees of impact to water bodies (of varying quality). To fully mitigate all impacts, all mitigation alternatives should provide some benefits to lotic habitat or include some form of stream restoration, if feasible.

Section 7(a)(1) of the ESA mandates the proactive participation of all Federal agencies in the conservation of listed species. Mitigation that would restore former sand and gravel mines along the Amite River would help reduce the ongoing adverse effects of those areas to aquatic resources. Utilization of this authority to help develop and locate mitigation plans could aid in the recovery of the threatened inflated heelsplitter. The lack of any meaningful recovery actions in the Amite River since its listing has resulted in reduction in the species range. Continued decline in the population or range could eventually result in a change in the species listing status. Future water resource projects (local, state, or federal) could be limited (temporally and/or spatially) if there is a potential to further impact the declining population.

Service mitigation policy states that first priority for placement of mitigation lands will occur within the planning area and the second priority is within the proximity to the planning area within the same ecoregion. Based on this policy the Service first supports location of mitigation lands within the Comite and Amite River basins (i.e., planning area) and secondly within the Lake Pontchartrain Basin (i.e., proximity to the planning area).

Prior to locating mitigation in the Lake Pontchartrain Basin or beyond the Service first recommends examining private lands currently for sale or those that could potentially be purchased adjacent to the Amite River, and second within the Amite and Comite River basins with those being adjacent to the river or within the floodplain given a higher priority. Those

adjacent to the river should be given the highest priority. The Service recognizes that condemnation may not be used to acquire mitigation lands, but acquisition of private lands does not guarantee the need to use that acquisition method; thus, total elimination of private lands as a mitigation option should not occur.

The Service participated in a conference call with the USACE on March 19, 2020, to discuss the selection criteria and ranking process used to select the mitigation projects included in the TSA. While we would have liked for the Amite restoration sites to be included in the TSA, we understand the methodology used by the USACE and no longer object to signing the Finding of No Significant Impact (FONSI). The Service does not object to providing mitigation for water resource development projects provided the following fish and wildlife conservation recommendations are incorporated into future project planning and implementation:

1. The Service recommends that USACE utilize Section 7(a)(1) of the ESA in concert with mitigation planning to develop mitigation that would aid in the recovery of the threatened inflated heelsplitter.

2. The Service recommends that future development, evaluation and refinement of any mitigation alternative be fully coordinated with the Service and other natural resource agencies, especially those projects where earthwork/degrading would be required.

3. The Service recommends that stream mitigation be provided to offset in-water impacts. The Comite River Diversion project includes multiple in-water structures and the East Baton Rouge Flood Risk Management project would improve 66 miles of channels through in-water activities. Those impacts should be mitigated for.

4. The Service recommends that compensation should be provided for any unavoidable losses of stream habitat, wetland habitat, and non-wetland forest caused (directly or indirectly) by project features. All mitigation should be developed/coordinated with the Service and other natural resource agencies. Only after all forest restoration opportunities along the Amite River (abandoned sand and gravel mines) have been implemented to the maximum extent practicable should other mitigation opportunities be pursued.

5. Regardless of ownership the Service recommends the following hierarchy be used to located mitigation lands for the BBA 18 planning efforts:
    a) Adjacent to the Amite River.
    b) Adjacent to the Comite River
    c) Within the Amite River floodplains
    d) Within the Comite River floodplain
    e) Within the Lake Pontchartrain Basin

6. All WVAs prepared by the Service for BBA 18 mitigation alternatives should be considered preliminary drafts and this should be indicated in all text referencing those WVAs. Those WVAs should be refined in future planning documents.

7. Of the alternatives proposed the Service does not oppose the use of GBRPC for the projects located in the Comite and Amite River Basins.

8. The Service would not oppose the use of Pine Island and/or Joyce to mitigate impacts from the Westshore of Lake Pontchartrain project.

9. The use of any public lands, e.g., Louisiana Department of Wildlife and Fisheries, should be coordinated with the agency owning those lands. This coordination should continue through all planning, construction and operation stages.

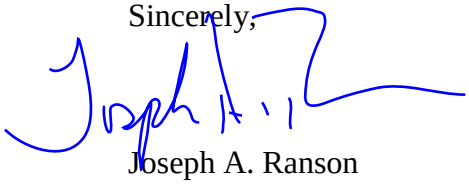
10. Boundaries of the mitigation area should be designed such that uneconomic remnants are minimized and management of the area is taken into consideration.

11. Impacts to LDWF wildlife management areas should be mitigated on the impacted area or on adjacent lands selected by LDWF that are purchased by USACE and incorporated into the managed area.

12. The Service does not support the creation of wetlands where it would entail the removal of soil to lower an area down to wetland elevation unless said technique is being utilized to reclaim abandoned sand and gravel mines on impacted basin streams or as part of stream/riparian habitat restoration.

13. The Environmental Protection Agency and USACE recently finalized the Navigable Waters Protection Rule to define "waters of the United States". That rule will become effective 60 days after publication in the Federal Register. The USACE should ensure that all of the proposed "wetland" mitigation projects, especially those that would require grading, would be constructed in a location and manner that satisfies the jurisdictional definitions presented in that rule.

Sincerely,



Joseph A. Ranson
Field Supervisor
Louisiana Ecological Services

cc: Louisiana Department of Wildlife and Fisheries, Baton Rouge, LA

ESA MEMO

From: Tammy Gilmore
Tel: (504) 862-1002
Date: August 15, 2019

AUG 19 2019

Subject: ESA coordination for BBA Construction Projects Mitigation, Louisiana

Dear Mr. Ranson:

Attention: David Walther

The U.S. Army Corps of Engineers (USACE), Mississippi Valley Division, New Orleans District (CEMVN), has prepared Environmental Assessment (EA) #576 to evaluate alternatives for mitigating the impacts associated with the construction of the West Shore Lake Pontchartrain (WSLP), Comite Diversion, and East Baton Rouge Flood (EBR) Risk Management projects; collectively known as the BBA Construction Projects.

Project Description

Each project in the final array was evaluated to determine the general construction elements that would be required for the conversion of habitat type. General construction elements similar among all projects converting agricultural land to forested wetlands included work items such as construction of new gravel access roads, reduction of site elevations, backfilling of existing ponds/ditches, demolition of onsite structures, harrowing soil to receive planting, and planting of canopy and mid-story plant species required to establish BLH and/or swamp habitat. For all mitigation projects, it was assumed that degraded earthen material will be used to achieve target elevations throughout the site or hauled off by a Contractor to a Government approved disposal area.

Projects that would convert open water to forested wetlands would require such construction activities as hydraulic dredging and pumping of material, construction of containment dikes, placement of rip-rap for shoreline protection, planting of canopy and mid-story plant species required to establish BLH and/or swamp habitat, and gapping or degrading of containment dikes.

Project converting low quality degraded habitats to forested wetlands would require such construction elements as clearing and grubbing, surface alterations and planting of canopy and mid-story plant species required to establish BLH and/or swamp habitat.

Further detail for each project including site specific components such as quantities, access duration and staging are presented in attachment 1.

Occurrence of Protected, Threatened and Endangered Species

Based on a parish search conducted on the USFWS endangered species website in March 2019, and verbal communication with USFWS on July 23, 2019, the only species under USFWS jurisdiction that are expected to be found in any of the project areas are the West Indian manatee and Gulf sturgeon. (https://ecos.fws.gov/ecp0/reports/species-by-current-range-county?fips=22057).

Bald eagles may be present within the project areas; however, no known nests exist at this time. If bald eagle nests are discovered near the site, the National Bald Eagle Management Guidelines would be followed during construction to avoid and minimize impacts to this species.

No listed species are found within any of the project areas converting agricultural lands to forested wetlands.

The West Indian manatee and Gulf sturgeon have potential to occur at the Pine Island site. No listed species are expected to be directly impacted within the proposed swamp mitigation area since their utilization of the shallow water depths in the site (typically less than two feet) is unlikely and access is extremely limited. However, as a precaution, implementation of standard protection measures and construction conditions for manatees and sturgeon would be implemented to ensure any potential impacts are avoided.

The borrow area could potentially be utilized by manatees and sturgeon, however, the presence of construction- related activity, machinery, and noise is expected to cause these species to avoid the project area during the construction period. Additionally, direct impacts to Gulf sturgeon from construction related activities are not anticipated as hydraulic cutterhead dredges are slow moving and use of them is not known to impact these species. Manatee could potentially be affected by dredging operations, but the impacts would be avoided by implementation of standard manatee protection measures developed by the USFWS.

Potential indirect impacts from the proposed action would primarily consist of effects from dredging operations, notably noise and turbidity, and the loss of foraging habitat. Although the rise in turbidity could immediately reduce water quality in the project area, those effects would be temporary and would be reduced by movement of the tides. Any manatees or sturgeon in the area could relocate during construction since the project area encompasses only a small section of Lake Pontchartrain. The indirect impacts resulting from the loss of the borrow area as foraging habitat would be insignificant given the small size of the project area compared to the overall size and similar habitat within Lake Pontchartrain. Additionally, the depth of material being removed from the borrow area is not anticipated to result in exposure of a different substrate type. Future recolonization of the forage species used by Gulf sturgeon is anticipated in the borrow site. As such, the indirect impacts to manatees and sturgeon are anticipated to be minimal.

Conclusion and Determination

For the reasons discussed above, we believe that the project, as planned, may affect but would not likely adversely affect the manatee and Gulf sturgean. Please review this plan and inform us whether or not you agree with our determination. If you have any questions about the project or need additional information please telephone me at (504) 862-1002.

Literature Cited

U.S. Fish & Wildlife Service (USFWS). Endangered Species Program. 2015. http://www.fws.gov/lafayette/pdf/LA_T&E_Species_List.pdf

Sincerely,

Marshall K. Harper
Chief, New Orleans District
Environmental Branch

PROJECT: BBA Mitigation, Pine Island Swamp Creation, St. Tammany Parish, Louisiana

GENERAL SOW:

The proposed project involves creation of up to a total of approximately 1,965 acres of swamp habitat over eight separate mitigation areas as compensatory mitigation for some of the swamp impacts resulting from construction of BBA projects. The swamp creation areas (mitigation areas) would be located in open water areas around Milton Island on the north shore of Lake Pontchartrain. This site is located southwest of the town of Madisonville adjacent to the Tchefuncte River in St. Tammany Parish.

Required earthwork prior to dredging would first consist of containment dike construction or rehabilitation around the perimeter of each of the eight mitigation areas. The crest elevation of these dikes would be approximately 5.0 feet NAVD88 and each dike would have a 5-ft wide crown. Existing material within each mitigation area would be used to construct or rehabilitate the containment dikes. Temporary submerged pipelines would be placed on the bottom of the canals that run between the mitigation areas as well as underneath the roads separating them as indicated on the attached drawing. Following dike construction and installation of the temporary pipelines, a cutterhead dredge would hydraulically place material (sediment) from within the borrow area indicated on the attached drawing into the mitigation areas using the shown pipeline routes. After filling the mitigation areas is complete, a one-year settlement period would pass prior to dike degrading the containment dikes and planting the mitigation areas. The temporary pipelines would be removed after pumping of dredged materials into the mitigation areas is complete.

Earthwork would also include building a permanent shoreline protection rip-rap feature along an approximately 2,420-ft stretch of Lake Pontchartrain shoreline adjacent to Mitigation Area 7 which will be underlain with separator geotextile fabric.

After the end of the fill settlement period in the 8 mitigation areas and after the containment dikes are degraded to match the average fill elevation in each mitigation area, native canopy and midstory plants typical of swamp habitats would be installed in mitigation Areas 1 – 8 .

The approximate maximum planted acreage within the proposed mitigation areas would be as follows:

Mitigation Area	Area (Acres)
Area 1	218
Area 2	262
Area 3	524
Area 4	226

Mitigation Area	Area (Acres)
Area 5	72
Area 6	337
Area 7	142
Area 8	184
Total	**1,965**

PROPOSED PLANTING:

Assumed total plantings within the swamp mitigation areas (approximate):

Mitigation Area	Canopy Seedlings	Midstory Seedlings
Area 1	118,810	29,648
Area 2	142,790	35,632
Area 3	285,580	71,264
Area 4	123,170	30,736
Area 5	39,240	9,792
Area 6	183,665	45,832
Area 7	77,390	19,312
Area 8	100,280	25,024
Total	**1,070,925**	**267,240**

Assume swamp canopy plant species would be installed on an 8ft by 10ft grid (545 seedlings per acre)

Assume swamp midstory plant species would be installed on a 16ft by 20ft grid (136 seedlings per acre)

Mowing poles (PVC pipes extending roughly 6 feet above grade) would be installed on each planted row every 50' to 100' to guide mowing operations.

Dike Construction/Rehabilitation:

Total perimeter retention would be required to retain dredged material and to allow for vertical accretion. The total length of each mitigation area which would require dike construction, rehabilitation, or lifting would be as follows:

Mitigation Area	Perimeter (ft)
Area 1	14,925
Area 2	22,366
Area 3	22,132
Area 4	19,090
Area 5	9,050
Area 6	16,948
Area 7	12,343
Area 8	30,628
Total	**147,482**

Any existing features such as existing perimeter dikes, access roads, and or ridges would be used for retention of dredged material. If dike rehabilitation is required, material for dike maintenance would come from within the proposed footprint of the swamp sites.

Existing dikes would be used to the extent practical. The retention dikes would be constructed to elevation 5.0 feet NAVD88, with a 5'-wide crown to assure dike integrity. The borrow ditch in each mitigation area used to obtain material for the retention (containment) dikes would be offset a minimum of 40' from each dike to assure dike stability. The borrow ditches would be on the interior side of the dikes (e.g. within the limits of the mitigation areas).``

Plugs would be left in the borrow ditch at 1,000- foot intervals to minimize water flow and material loss during pumping operations. Spill boxes and/or weirs would be constructed at locations along the northern and western retention dikes as necessary to allow for effluent water release from within the swamp creation areas for approximately one year after construction, when the perimeter dikes are breached and degraded. If deemed necessary by the construction contractor, a low-level interior weir or baffle dikes would be constructed to assist in vertical stacking of dredged material. The gaps would be spaced with care being taken to locate gaps at existing natural bayous, canals, or other openings. The gaps would require a 25-foot bottom at approximately elevation 0.0 feet NAVD88 (lower limit of existing nearby marsh platform) to assure water interchange with the existing marsh.

Rip-Rap Construction:

On the Lake Pontchartrain shoreline of Mitigation Area 7, a 2,240-ft long stretch of shoreline covering approximately 0.93 acres would be reinforced with a stone bank rip-rap. This rip-rap would be two feet thick and be placed on the graded shoreline from elevation 0' up to elevation 4.5'. This two-foot thick rip-rap would be underlain with a 200 pound separator geotextile fabric. Total estimated geotextile fabric quantity for this

rip-rap construction is 4,575 square yards and the estimated stone quantity is 5,700 tons or 2,940 cubic yards.

Dredging:

A hydraulic cutterhead dredge would be used to pump approximately 8.9 million cubic yards of material via a pipeline from the proposed borrow site in Lake Pontchartrain to the swamp creation sites. Initial elevation for dredge fill within each mitigation area would be to approximate elevation 2.5 feet NAVD88, with the goal of ultimately resulting in a final target swamp elevation of approximately 2.0 feet. The maximum allowable dredging depth within the borrow site would be -19 feet NAVD88 plus a 1-foot allowable overdepth to account for inaccuracies in the dredging process.

Three 75-ft corridors are indicated on the drawing and run from the borrow site into Mitigation Areas 4 and 7 have been established to place subline for pumping material from the proposed borrow site to the mitigation areas. The first pipeline corridor runs down the middle of the entrance channel to the east of Milton Island and to the east of an area indicated to be a shell reef site. All activities related to this proposed work would avoid this area. All pipeline corridors would be placed and located in a manner which does not impact existing wetlands.

The estimated quantities required to achieve the initial target fill elevation of 2.5ft NAVD88 within the eight mitigation areas are as follows:

Mitigation Area	Fill Quantity (Cubic Yards)
Area 1	1,809,900
Area 2	2,205,053
Area 3	4,257,765
Area 4	1,900,702
Area 5	625,541
Area 6	2,756,592
Area 7	1,196,595
Area 8	1,649,163
Total	**16,401,310**

DURATION:

Per the PDT, the assumed start date for construction is 1 June 2020. Necessary dike construction and initial pumping of sediment into the mitigation areas would be completed around June 2021. After a year-long settlement period, degrading of dike would begin in June 2022 and be completed no sooner than March 2023. Initial planting activities would likely be conducted in November 2023 through mid-March

2024. Notice of Construction Completion (NCC) would be issued soon after completion of the initial planting event.

Monitoring to determine success of the initial plantings would likely occur in October 2024 with the report submitted in December 2024. If this monitoring showed success criteria had been satisfied, a second monitoring event would likely occur in October 2025 with the report submitted in December 2025. Assuming this latter report showed applicable success criteria had been satisfied, the overall project would be turned over to the Non-Federal Sponsor in approximately March 2026.

SITE ACCESS:

Access to the project site would be as follows:

From the north, Guste Island Road runs between Areas 1 and 8. This road then splits into Grand Rue Port Louis Road which runs between Areas 4, 5, and 7. South Chenier Drive runs between Area 2 and Area 3. Access to the mitigation areas can also be made via the many canals that run between all the areas.

STAGING:

Staging of equipment for initial dike construction activities and riprap construction would be via barge(s) on or near the Lake Pontchartrain shoreline as indicated on the attached drawing. The proposed staging areas would first be submitted for Government approval. Staging of materials for the initial planting event would be within the mitigation areas themselves most likely.

MAINTENANCE/MANAGEMENT ACTIVITIES:

After completion of all dike construction, dredge pumping, and soil preparation activities but prior to initial plantings, herbicides may be applied to the mitigation areas to help control invasive and nuisance plant species. Mowing may also be performed in the mitigation area during this time period. After the mitigation area is initially planted and before the success of these plantings is evaluated (monitored), herbicide applications and/or mowing may also occur to help suppress undesirable vegetation. Throughout this period, access/maintenance roads would be maintained as necessary as would be any new drainage features established.

The first monitoring event would occur in the fall of the year of the initial plantings. This report could show additional plantings are needed or it may not. Regardless, various mowing events and herbicide application events would take place during the period from the first monitoring event to the second monitoring event performed the next year. It is assumed that the second monitoring event would show success criteria for the plantings had been achieved as were success criteria about control of invasive and nuisance plants. It is also assumed this monitoring event would show the success criterion established for the final soil surface elevation in the mitigation areas had been

achieved. In this case, the Non-Federal Sponsor would take over the project including all management and maintenance work.

EQUIPMENT:

Equipment to be used for the respective work is assumed as follows:

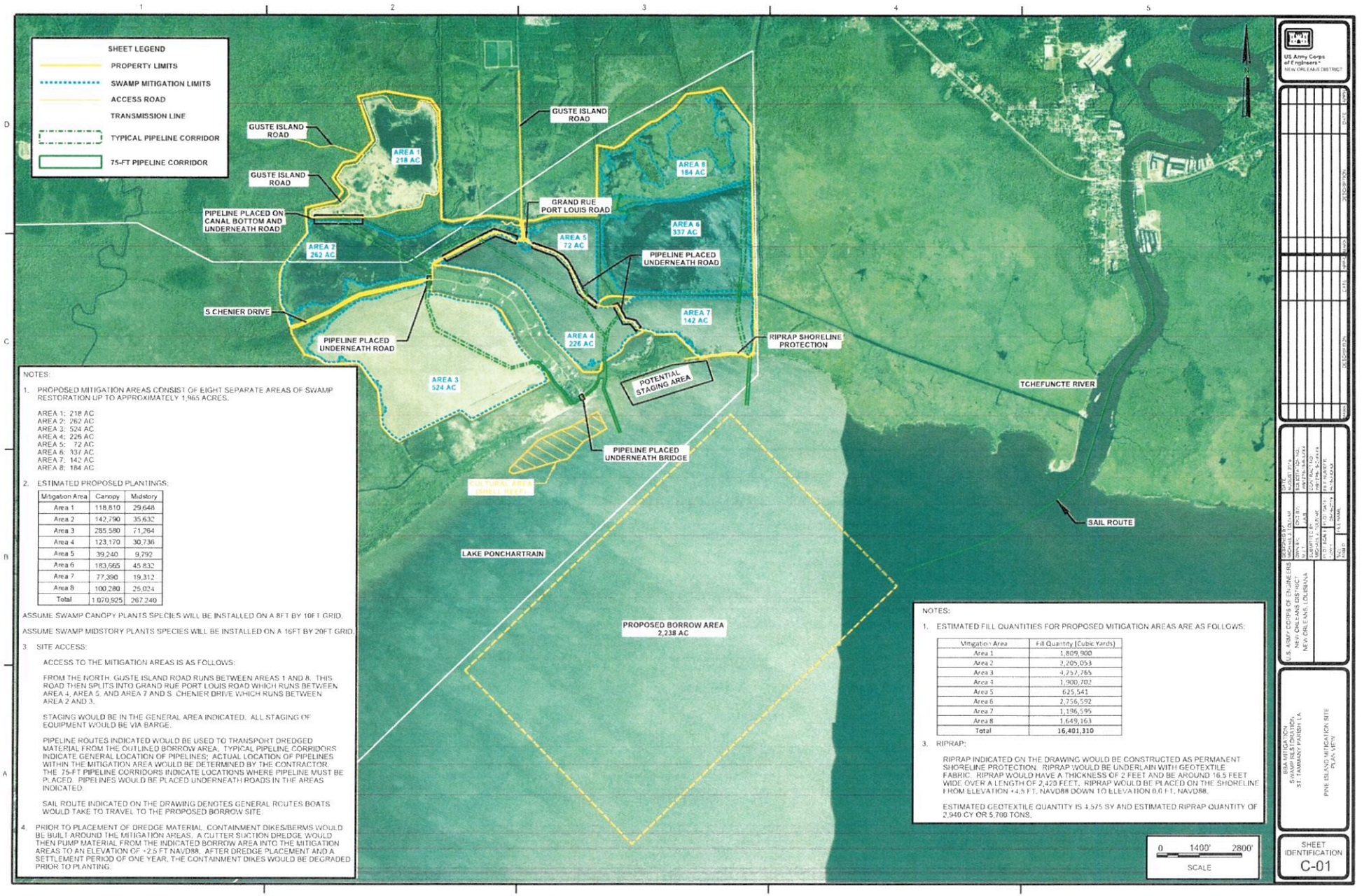
Dike Construction: Excavators, marsh buggies, airboats

Dredge Pumping: Cutterhead dredge, tugs, crewboats, pipeline (steel, and rubber), derricks, barges, up to D-8 dozers, excavators, front-end loaders, marsh buggies, airboats, marsh masters

Rip-rap Construction: Excavators, scows, barges, up to D-8 dozers, front-end wheel loaders, marsh buggies

Planting Preparation: Tractor with harrow and scarifier, bulldozers, and backhoe.

Planting: Pickup trucks, ATVs and/or UTVs, and marsh buggies.



NOTES:

1. PROPOSED MITIGATION AREAS CONSIST OF EIGHT SEPARATE AREAS OF SWAMP RESTORATION UP TO APPROXIMATELY 1,965 ACRES.

   AREA 1: 218 AC
   AREA 2: 262 AC
   AREA 3: 524 AC
   AREA 4: 226 AC
   AREA 5: 72 AC
   AREA 6: 337 AC
   AREA 7: 142 AC
   AREA 8: 184 AC

2. ESTIMATED PROPOSED PLANTINGS:

Mitigation Area	Canopy	Midstory
Area 1	118,810	29,648
Area 2	142,790	35,632
Area 3	285,580	71,264
Area 4	123,170	30,736
Area 5	39,240	9,792
Area 6	183,665	45,832
Area 7	77,390	19,312
Area 8	100,280	25,024
Total	1,070,925	267,240

ASSUME SWAMP CANOPY PLANTS SPECIES WILL BE INSTALLED ON A 8FT BY 10FT GRID.

ASSUME SWAMP MIDSTORY PLANTS SPECIES WILL BE INSTALLED ON A 16FT BY 20FT GRID.

3. SITE ACCESS:

   ACCESS TO THE MITIGATION AREAS IS AS FOLLOWS:

   FROM THE NORTH, GUSTE ISLAND ROAD RUNS BETWEEN AREAS 1 AND 8. THIS ROAD THEN SPLITS INTO GRAND RUE PORT LOUIS ROAD WHICH RUNS BETWEEN AREA 4, AREA 5, AND AREA 7 AND S. CHENIER DRIVE WHICH RUNS BETWEEN AREA 2 AND 3.

   STAGING WOULD BE IN THE GENERAL AREA INDICATED. ALL STAGING OF EQUIPMENT WOULD BE VIA BARGE.

   PIPELINE ROUTES INDICATED WOULD BE USED TO TRANSPORT DREDGED MATERIAL FROM THE OUTLINED BORROW AREA. TYPICAL PIPELINE CORRIDORS INDICATE GENERAL LOCATION OF PIPELINES; ACTUAL LOCATION OF PIPELINES WITHIN THE MITIGATION AREA WOULD BE DETERMINED BY THE CONTRACTOR. THE 75-FT PIPELINE CORRIDORS INDICATE LOCATIONS WHERE PIPELINE MUST BE PLACED. PIPELINES WOULD BE PLACED UNDERNEATH ROADS IN THE AREAS INDICATED.

   SAIL ROUTE INDICATED ON THE DRAWING DENOTES GENERAL ROUTES BOATS WOULD TAKE TO TRAVEL TO THE PROPOSED BORROW SITE.

4. PRIOR TO PLACEMENT OF DREDGE MATERIAL, CONTAINMENT DIKES/BERMS WOULD BE BUILT AROUND THE MITIGATION AREAS. A CUTTER SUCTION DREDGE WOULD THEN PUMP MATERIAL FROM THE INDICATED BORROW AREA INTO THE MITIGATION AREAS TO AN ELEVATION OF +2.5 FT NAVD88. AFTER DREDGE PLACEMENT AND A SETTLEMENT PERIOD OF ONE YEAR, THE CONTAINMENT DIKES WOULD BE DEGRADED PRIOR TO PLANTING.

NOTES:

1. ESTIMATED FILL QUANTITIES FOR PROPOSED MITIGATION AREAS ARE AS FOLLOWS:

Mitigation Area	Fill Quantity (Cubic Yards)
Area 1	1,809,900
Area 2	2,205,053
Area 3	4,757,765
Area 4	1,900,702
Area 5	625,541
Area 6	2,756,592
Area 7	1,196,595
Area 8	1,649,163
Total	16,401,310

3. RIPRAP:

   RIPRAP INDICATED ON THE DRAWING WOULD BE CONSTRUCTED AS PERMANENT SHORELINE PROTECTION. RIPRAP WOULD BE UNDERLAIN WITH GEOTEXTILE FABRIC. RIPRAP WOULD HAVE A THICKNESS OF 2 FEET AND BE AROUND 16.5 FEET WIDE OVER A LENGTH OF 2,420 FEET. RIPRAP WOULD BE PLACED ON THE SHORELINE FROM ELEVATION +4.5 FT. NAVD88 DOWN TO ELEVATION 0.0 FT. NAVD88.

   ESTIMATED GEOTEXTILE QUANTITY IS 4,575 SY AND ESTIMATED RIPRAP QUANTITY OF 2,940 CY OR 5,700 TONS.

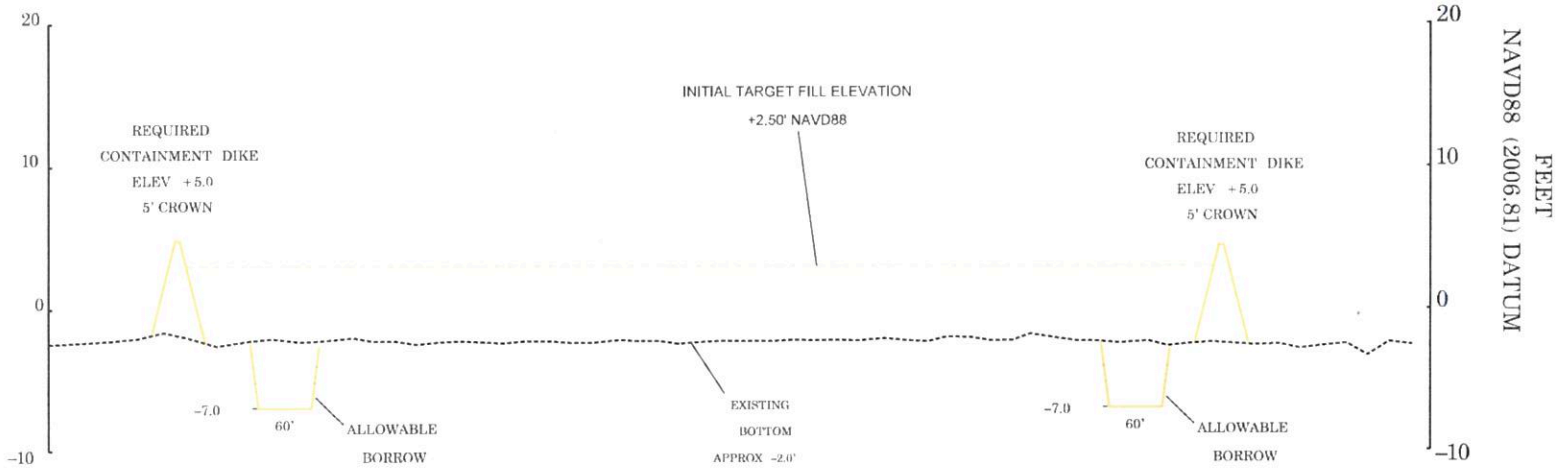
US Army Corps of Engineers
NEW ORLEANS DISTRICT

U.S. ARMY CORPS OF ENGINEERS
NEW ORLEANS DISTRICT
NEW ORLEANS, LOUISIANA

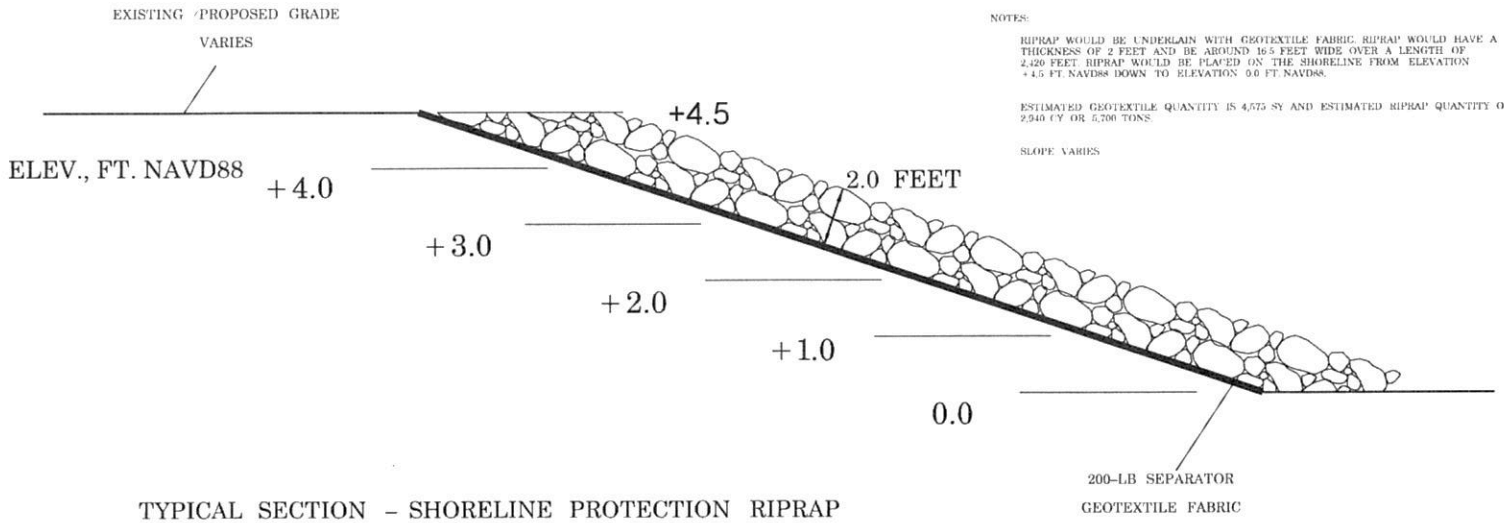
BBA MITIGATION
SWAMP RESTORATION
ST. TAMMANY PARISH, LA.

PINE ISLAND MITIGATION SITE
PLAN VIEW

SHEET IDENTIFICATION
C-01



TYPICAL SECTION – SWAMP CREATION
(NTS)



NOTES:

RIPRAP WOULD BE UNDERLAIN WITH GEOTEXTILE FABRIC. RIPRAP WOULD HAVE A THICKNESS OF 2 FEET AND BE ABOUND 16.5 FEET WIDE OVER A LENGTH OF 2,420 FEET. RIPRAP WOULD BE PLACED ON THE SHORELINE FROM ELEVATION +4.5 FT. NAVD88 DOWN TO ELEVATION 0.0 FT. NAVD88.

ESTIMATED GEOTEXTILE QUANTITY IS 4,675 SY AND ESTIMATED RIPRAP QUANTITY OF 2,940 CY OR 5,700 TONS.

SLOPE VARIES

TYPICAL SECTION – SHORELINE PROTECTION RIPRAP
(NTS)

US Army Corps of Engineers
NEW ORLEANS DISTRICT

U.S. ARMY CORPS OF ENGINEERS
NEW ORLEANS DISTRICT
NEW ORLEANS, LOUISIANA

BBA MITIGATION
BY-MAP RESTORATION
ST. TAMMANY PARISH, LA

PINE ISLAND MITIGATION SITE
TYPICAL MITIGATION AREA AND RIPRAP
CROSS SECTIONS

SHEET
IDENTIFICATION
C-02

DEPARTMENT OF THE ARMY
NEW ORLEANS DISTRICT, CORPS OF ENGINEERS
7400 LEAKE AVENUE
NEW ORLEANS, LOUISIANA 70118

REPLY TO
ATTENTION OF

November 15, 2019

Regional Planning and Environment
Division South

Project Name: Bipartisan Budget Act (BBA) 18 Mitigation for Construction Projects, West Shore Lake Pontchartrain, Comite River Diversion, and East Baton Rouge Flood Risk Management. BBA Mitigation EA #576

Mr. David Bernhart
NMFS - Protected Resources Division
Southeast Regional Office
263 13th Avenue South
St. Petersburg, Florida 33701

Dear Mr. Bernhart,

The U.S. Army Corps of Engineers (Corps) is preparing an Environmental Assessment for the BBA Construction Projects Mitigation. The proposed project includes the conversion of shallow ponds just north of Lake Pontchartrain using material dredged and pumped from Lake Pontchartrain. Lake Pontchartrain is located north of the greater New Orleans area. The proposed project is located in Madisonville, St Tammany Parish, LA. Specifically, the project is located at 30°23'50.55"N, 90°13'10.16"W.

The Corps has determined that the proposed project may affect but is not likely to adversely affect (NLAA) federally-listed species and their designated critical habitat, as described below, and is therefore requesting concurrence with our determination pursuant to Section 7 of the Endangered Species Act (ESA) of 1973, as amended (16 U.S.C. § 1536), and the consultation procedures at 50 C.F.R. Part 402.

Pursuant to our request for informal consultation, the Corps is providing, enclosing, or otherwise identifying the following information:

- A description of the action to be considered;
- A description of the action area;
- A description of any listed species or designated critical habitat (DCH) that may be affected by the action; and
- An analysis of the potential routes of effect on any listed species or DCH.

1. PROPOSED ACTION

a. Description of the proposed action:

General:

The proposed project involves creation of up to a total of approximately 1,965 acres of swamp habitat over eight separate mitigation areas as compensatory mitigation for some of the swamp impacts resulting from construction of BBA projects. The swamp creation areas (mitigation areas) would be located in open water areas around Milton Island on the north shore of Lake Pontchartrain. This site is located southwest of the town of Madisonville adjacent to the Tchefuncte River in St. Tammany Parish.

Required earthwork prior to dredging would first consist of containment dike construction or rehabilitation around the perimeter of each of the eight mitigation areas. The crest elevation of these dikes would be approximately 5.0 feet NAVD88 and each dike would have a 5-ft wide crown. Existing material within each mitigation area would be used to construct or rehabilitate the containment dikes. Temporary submerged pipelines would be placed on the bottom of the canals that run between the mitigation areas as well as underneath the roads separating them as indicated on the attached drawing. Following dike construction and installation of the temporary pipelines, a cutterhead dredge would hydraulically place material (sediment) from within the borrow area indicated on the attached drawing into the mitigation areas using the shown pipeline routes. After filling the mitigation areas is complete, a one-year settlement period would pass prior to degrading the containment dikes and planting the mitigation areas. The temporary pipelines would be removed after pumping of dredged materials into the mitigation areas is complete.

Earthwork would also include building a permanent shoreline protection rip-rap feature (approximate center 30°23'18.75"N, 90°11'50.84"W) along an approximately 2,420-ft stretch of Lake Pontchartrain shoreline adjacent to Mitigation Area 7 which will be underlain with separator geotextile fabric.

After the end of the fill settlement period in the 8 mitigation areas and after the containment dikes are degraded to match the average fill elevation in each mitigation area, native canopy and midstory plants typical of swamp habitats would be installed in mitigation Areas 1 – 8. Swamp species that may be planted include bald cypress, tupelo gum, green ash, Drummond red maple, bitter pecan, buttonbush, swamp privet, possumhaw, and roughleaf dogwood.

The approximate maximum planted acreage within the proposed mitigation areas would be as follows:

Mitigation Area	Area (Acres)	Approx Center Coordinates
Area 1	218	30°24'24.54"N 90°13'50.09"W
Area 2	262	30°23'54.21"N 90°14'2.49"W
Area 3	524	30°23'21.18"N 90°13'41.01"W
Area 4	226	30°23'38.99"N 90°12'53.38"W
Area 5	72	30°23'55.62"N 90°12'45.23"W
Area 6	337	30°23'56.07"N 90°12'6.05"W
Area 7	142	30°23'30.74"N 90°11'57.48"W
Area 8	184	30°24'20.66"N 90°12'1.20"W
Total	**1,965**	

Proposed Planting:

Assumed total plantings within the swamp mitigation areas (approximate):

Mitigation Area	Canopy Seedlings	Midstory Seedlings
Area 1	118,810	29,648
Area 2	142,790	35,632
Area 3	285,580	71,264
Area 4	123,170	30,736
Area 5	39,240	9,792
Area 6	183,665	45,832
Area 7	77,390	19,312
Area 8	100,280	25,024
Total	1,070,925	267,240

Assume swamp canopy plant species would be installed on an 8ft by 10ft grid (545 seedlings per acre)

Assume swamp midstory plant species would be installed on a 16ft by 20ft grid (136 seedlings per acre)

Mowing poles (PVC pipes extending roughly 6 feet above grade) would be installed on each planted row every 50' to 100' to guide mowing operations.

Dike Construction/Rehabilitation:

Total perimeter retention would be required to retain dredged material and to allow for vertical accretion. The total length of each mitigation area which would require dike construction, rehabilitation, or lifting would be as follows:

Mitigation Area	Perimeter (ft)
Area 1	14,925
Area 2	22,366
Area 3	22,132
Area 4	19,090
Area 5	9,050
Area 6	16,948
Area 7	12,343
Area 8	30,628
Total	**147,482**

Any existing features such as existing perimeter dikes, access roads, and or ridges would be used for retention of dredged material. If dike rehabilitation is required, material for dike maintenance would come from within the proposed footprint of the swamp sites.

Existing dikes would be used to the extent practical. The retention dikes would be constructed to elevation 5.0 feet NAVD88, with a 5'-wide crown to assure dike integrity. The borrow ditch in each mitigation area used to obtain material for the retention (containment) dikes would be offset a minimum of 40' from each dike to assure dike stability. The borrow ditches would be on the interior side of the dikes (e.g. within the limits of the mitigation areas).

Plugs (undisturbed areas) would be left in the borrow ditch at 1,000- foot intervals to minimize water flow and material loss during pumping operations. Spill boxes and/or weirs would be constructed at locations along the northern and western retention dikes as necessary to allow for effluent water release from within the swamp creation areas for approximately one year after construction, when the perimeter dikes are breached and degraded. If deemed necessary by the construction contractor, a low-level interior weir or baffle dikes would be constructed to assist in vertical stacking of dredged

material. The gaps would be spaced with care being taken to locate gaps at existing natural bayous, canals, or other openings. The gaps would require a 25-foot wide bottom at approximately elevation 0.0 feet NAVD88 (lower limit of existing nearby marsh platform) to assure water interchange with the existing marsh.

Rip-Rap Construction:

On the Lake Pontchartrain shoreline of Mitigation Area 7, a 2,240-ft long stretch of shoreline covering approximately 0.93 acres would be reinforced with a stone bank rip-rap. This rip-rap would be two feet thick and be placed on the graded shoreline from elevation 0' up to elevation 4.5'. This two-foot thick rip-rap would be underlain with a 200 pound separator geotextile fabric. Total estimated geotextile fabric quantity for this rip-rap construction is 4,575 square yards and the estimated stone quantity is 5,700 tons or 2,940 cubic yards.

Dredging:

A hydraulic cutterhead dredge would be used to pump approximately 16.4 million cubic yards of material via a pipeline from the proposed 2,238 acre borrow site in Lake Pontchartrain to the swamp creation sites. Initial elevation for dredge fill within each mitigation area would be to approximate elevation 2.5 feet NAVD88, with the goal of ultimately resulting in a final target swamp elevation of approximately 2.0 feet. The maximum allowable dredging depth within the borrow site would be -19 feet NAVD88 plus a 1-foot allowable overdepth to account for inaccuracies in the dredging process.

Three 75-ft corridors are indicated on the drawing and run from the borrow site into Mitigation Areas 4 and 7 have been established to place 34" steel pipe for pumping material from the proposed borrow site to the mitigation areas. The first pipeline corridor runs down the middle of the entrance channel to the east of Milton Island and to the east of an area indicated to be a shell reef site. All activities related to this proposed work would avoid this area. All pipeline corridors would be placed and located in a manner which does not impact existing wetlands.

The estimated quantities required to achieve the initial target fill elevation of 2.5ft NAVD88 within the eight mitigation areas are as follows:

Mitigation Area	Fill Quantity (Cubic Yards)
Area 1	1,809,900
Area 2	2,205,053
Area 3	4,257,765
Area 4	1,900,702
Area 5	625,541
Area 6	2,756,592
Area 7	1,196,595

Area 8	1,649,163
Total	**16,401,310**

Duration:

Per the project delivery team (PDT), the assumed start date for construction is 1 June 2020. Necessary dike construction and initial pumping of sediment into the mitigation areas would be completed around June 2021. After a year-long settlement period, degrading of dike would begin in June 2022 and be completed no sooner than March 2023. Initial planting activities would likely be conducted in November 2023 through mid-March 2024. Notice of Construction Completion (NCC) would be issued soon after completion of the initial planting event.

Monitoring to determine success of the initial plantings would likely occur in October 2024 with the report submitted in December 2024. If this monitoring showed success criteria had been satisfied, a second monitoring event would likely occur in October 2025 with the report submitted in December 2025. Assuming this latter report showed applicable success criteria had been satisfied, the overall project would be turned over to the Non-Federal Sponsor in approximately March 2026.

Site Access:

From the north, Guste Island Road runs between Areas 1 and 8. This road then splits into Grand Rue Port Louis Road which runs between Areas 4, 5, and 7. South Chenier Drive runs between Area 2 and Area 3. Access to the mitigation areas can also be made via the many canals that run between all the areas.

Staging:

Staging of equipment for initial dike construction activities and riprap construction would be via barge(s) on or near the Lake Pontchartrain shoreline as indicated on the attached drawing. The proposed staging areas would first be submitted for Government approval. It is assumed that staging of materials for the initial planting event would be within the mitigation areas themselves.

Maintenance/Management Activities:

After completion of all dike construction, dredge pumping, and soil preparation activities but prior to initial plantings, herbicides may be applied to the mitigation areas to help control invasive and nuisance plant species. The herbicide to be used would be specifically labeled for use in wetlands. Herbicide applications in the proposed mitigation site would be limited to ground applications and would be halted when wind speeds exceed 10 miles per hour to avoid drift. Use of herbicides outside the limits of the swamp restoration areas (mitigation areas) would be strictly prohibited as would be any disposal of herbicide containers other than in duly licensed upland disposal facilities

(off-site). Any herbicides used in the proposed project would be labeled for use in a manner that ensures no significant impacts to wildlife would occur.

Mowing may also be performed in the mitigation area during this time period. After the mitigation area is initially planted and before the success of these plantings is evaluated (monitored), herbicide applications and/or mowing may also occur to help suppress undesirable vegetation. Throughout this period, access/maintenance roads would be maintained as necessary as would be any new drainage features established.

The first monitoring event would occur in the fall of the year of the initial plantings. This report could show additional plantings are needed or it may not. Regardless, various mowing events and herbicide application events would take place during the period from the first monitoring event to the second monitoring event performed the next year. It is assumed that the second monitoring event would show success criteria for the plantings had been achieved as were success criteria about control of invasive and nuisance plants. It is also assumed this monitoring event would show the success criterion established for the final soil surface elevation in the mitigation areas had been achieved. In this case, the Non-Federal Sponsor would take over the project including all management and maintenance work.

Equipment:

Equipment to be used for the respective work is assumed as follows:

Dike Construction: Excavators, marsh buggies, airboats

Dredge Pumping: Cutterhead dredge, tugs, crewboats, pipeline (steel, and rubber), derricks, barges, up to D-8 dozers, excavators, front-end loaders, marsh buggies, airboats, marsh masters

Rip-rap Construction: Excavators, scows, barges, up to D-8 dozers, front-end wheel loaders, marsh buggies

Planting Preparation: Tractor with harrow and scarifier, bulldozers, and backhoe.

Planting: Pickup trucks, ATVs and/or UTVs, and marsh buggies.

Potential work vessels that would be utilized during construction are:

- One or two Crewboats making two round trips per day to the dredge
- One Survey boat
- Two to three tug boats with max speed of 15 knots
- One anchor barge
- One supply barge
- One derrick barge

b. Description of the project purpose:

The purpose of the proposed action is to compensate for swamp habitat loss incurred during construction of the West Shore Lake Pontchartrain flood risk management project. The proposed mitigation would replace the lost functions and services of the impacted habitat through restoration activities designed to create/increase/improve the habitat functions and services at the Pine Island project location.

There was a very similar project in this same exact area constructed 2015-2017. The purpose of that project was to compensate for marsh habitat loss incurred during construction of the Lake Pontchartrain and Vicinity Hurricane Storm Risk Reduction System. It was a smaller project, approximately 132 acres, with a smaller borrow site. However, impacts to listed species would be the same among both projects. Consultation with NMFS was completed on September 8, 2014 (SER-2014-13425).

c. Description of minimization measures:

To reduce impacts further a cutterhead dredge would be utilized to remove borrow material from the designated borrow area. This equipment is slower moving and has not been identified as equipment that would impact Gulf sturgeon. Additionally, in project areas the bucket drop procedure will be utilized. The bucket drop procedure was developed by the USFWS, which involves dropping the bucket into the water and retrieving empty one time prior to starting work. After the bucket has been dropped and retrieved, a one-minute no work period would be observed. During this no work period, personnel shall carefully observe the work area in an effort to visually detect Gulf sturgeon. If sturgeons are sighted, no work dredging should be initiated until they have left the work area. If the water turbidity makes such visual sightings impossible, work may proceed after the one minute no work period. If more than fifteen minutes elapse with no dredging, then the empty bucket drop/retrieval process shall be performed again prior to work. The sea turtle and smalltooth sawfish construction conditions will also be applied to Gulf sturgeon.

CEMVN will adhere to the Measures for Reducing Entrapment Risk to Protected Species and the Sea Turtle and Smalltooth Sawfish Construction Conditions.

2. ACTION AREA

Pursuant to 50 C.F.R. § 402.02, the term *action area* is defined as "all areas to be affected directly or indirectly by the federal action and not merely the immediate area involved in the action." Accordingly, the action area typically includes the affected jurisdictional waters and other areas affected by the authorized work or structures within a reasonable distance. The ESA regulations recognize that, in some circumstances, the action area may extend beyond the limits of the Corps' regulatory jurisdiction.

For the purposes of this consultation, the Corps has defined the action area to include the northwestern portion of Lake Pontchartrain, and the adjacent shallow pond areas within the wetlands just west of the Tchefunkte River and the mouth of the Tchefunkte

as shown in Figure 1. This boundary was determined as it encompasses the areas in which work vessels would travel, dredging operations would occur, pipeline would be laid and the swamp creation areas. The action area boundary was carried out ~1640 feet or more from the proposed borrow source.

Swamp creation site
The Swamp creation sites are shallow water ponds, averaging approximately 2 feet deep, cut off from the lake except during high water events. The composition of the substrates is mainly fine silty sediment. There may be some SAVs within the ponds, however, it is highly unlikely that any of the listed species would be found in the swamp creation areas due to such limited access.

Borrow site
The composition of the substrates is of clay and sand mixture, water depth is approximately 10 feet, and with no or very little submerged aquatic vegetation (SAV). Due to the lack of foraging habitat, the borrow area would be utilized as a migration route for the species listed in this letter. The Gulf sturgeon and listed sea turtles would likely avoid the immediate area due to construction activities. In a study by Clarke (2002), cutterhead sounds peaked at 100-110 dB in the frequency range of 70-1000 Hz and were inaudible at ~500 m from the source. And so therefore the Corps determined there wouldn't be any direct or indirect impacts to any listed species beyond the action area.

Figure 1. Swamp Creation Sites (Magenta), Borrow Site (Blue) Action Area (green)

3. AFFECTED SPECIES

Of the listed species occurring in St. Tammany Parish, only the Kemp's ridley, loggerhead, and green sea turtles and Gulf sturgeon are expected to potentially be found in the proposed borrow area in Lake Pontchartrain. However, it would be highly unlikely that any of the listed species would be found in the proposed swamp mitigation project area due to very shallow water and extremely limited access. All of these species are typically found in deeper water where they are able to maneuver and forage effectively.

Project activities have the potential to affect the listed species as shown in Table 1 below.

Table 1: Species in the action area

Species	ESA Listing Status	Listing Rule/Date	Most Recent recovery plan date	USACE Effect Determination (Species)
Green sea turtle[1]	T	81 FR 20057/ April 6, 2016	October 1991	NLAA
Kemp's ridley sea turtle	E	35 FR 18319/ December 2, 1970	September 2011	NLAA
Loggerhead sea turtle[2]	T	76 FR 58868/ September 22, 2011	January 2009	NLAA
Gulf sturgeon	T	56 FR 49653/ September 30, 1991	September 1995	NLAA

Green, Kemp's ridley, and Loggerhead Sea Turtles

The three species of threatened or endangered sea turtles that could potentially occur in Lake Pontchartrain have a similar appearance, though they differ in maximum size and coloration. The Kemp's ridley is the smallest sea turtle – adults average about 100 pounds with a carapace length of 24 to 28 inches and a shell color that varies from gray in young individuals to olive green in adults. The loggerhead sea turtle is the next largest of these three species – adults average about 250 pounds with a carapace length of 36 inches and a reddish brown shell color. The green sea turtle is the largest of these three species – adults average 300 to 350 pounds with a length of more than 3 ft and a brown coloration (its name comes from its greenish colored fat). There have been no documented nesting activity along Lake Pontchartrain therefore it is unlikely the nesting activities of these three species would be impacted as all three species nest on sandy beaches, which are minimal in Lake Pontchartrain. The life stages that may occur in Lake Pontchartrain range from older juveniles to adults.

Gulf Sturgeon

[1] North Atlantic and South Atlantic DPS
[2] Northwest Atlantic Ocean DPS

The Gulf sturgeon was federally listed as threatened throughout its range on September 30, 1991. The Gulf sturgeon is an anadromous fish that migrates from salt water into coastal rivers to spawn and spend the warm summer months. Subadults and adults typically spend the three to four coolest months of the year in estuaries or Gulf of Mexico waters foraging before migrating into the rivers. This migration typically occurs from mid-February through April. Most adults arrive in the rivers when temperatures reach 70 degrees Fahrenheit and spend 8 to 9 months each year in the rivers before returning to estuaries or the Gulf of Mexico by the beginning of October.

Prior to the listing of the species, Davis et al. (1970) reported the collection of Gulf sturgeon from Lake Pontchartrain during a LDWF anadromous fish survey from 1966 to 1969. From 1988 to 1999, LDWF, through various means and studies, captured and recorded at least 60 Gulf sturgeon throughout Lake Pontchartrain, Lake Catherine, the Rigolets and Lake Borgne. A LDWF trammel net study conducted by Inland Fisheries Division in the spring of 2001 resulted in the capture of three young of the year juvenile sturgeon at the intersection of the East Pearl River and Little Lake. In 2002, LDWF Seafood Division reported the capture of a Gulf sturgeon in one of their gill nets while sampling in a cove west of Alligator Point, Lake Borgne. Bycatch of Gulf sturgeon has been reported by several recreational and commercial fishermen within these waters. A total of 177 Gulf sturgeon, measuring up to 7.2 feet in length and weighing from 2 to 152 lbs, were captured in these lakes and in the Rigolets from October 1991 to September 1992 (Rogillio, 1993). Reynolds (1993) reported that sturgeon measuring up to 7.2 feet in length and weighing up to 258 lbs were incidentally caught by shrimp trawlers, netters, and recreational anglers from 1889 to 1993 in Lake Pontchartrain.

4. ROUTE(S) OF EFFECT TO SPECIES:

Effects to Green, Kemp's ridley, and Loggerhead Sea Turtles

Effects to sea turtles include the risk of direct physical impact from dredging and other in-water construction activities. We believe the risk of physical injury is discountable due to the species' ability to move away from the project site and into adjacent suitable habitat, if disturbed. NMFS has previously determined in dredging Biological Opinions that, while oceangoing hopper-type dredges may lethally entrain protected species, including sea turtles, non-hopper-type dredging methods, such as the cutterhead dredge proposed in this project, are slower and extremely unlikely to overtake or adversely affect them (NMFS 2007). Additionally, the Corps's implementation of NMFS's Sea Turtle and Smalltooth Sawfish Construction Conditions will require all construction workers to observe in-water related activities for the presence of listed sea turtles. If a sea turtle is seen within 100 yards of the active daily construction/dredging operation or vessel movement, all appropriate precautions shall be implemented to ensure its protection. These precautions shall include cessation of operation of any moving equipment closer than 50 feet of a sea turtle. Operation of any mechanical construction equipment shall cease immediately if a sea turtle is seen within a 50-foot radius of the equipment. Activities may not resume until the species has departed the project area of its own volition. Further, construction would be limited to daylight hours,

which will assist construction workers in seeing listed species and, if present, avoiding interactions with them.

Sea turtles may be entangled by in-water lines and other in-water equipment. However, we believe the effects to sea turtles from entanglement will be discountable because the following measures are included as part of the proposed action. All in-water lines and other in-water equipment must be properly secured with materials that reduce the risk of entanglement of marine species. In-water lines (rope, chain, and cable) must be stiff, taut, and non-looping. Examples of such lines are heavy metal chains or heavy cables that do not readily loop and tangle. Flexible in-water lines, such as nylon rope or any lines that could loop or tangle, must be enclosed in a plastic or rubber sleeve/tube to add rigidity and prevent the line from looping and tangling. In all instances, no excess line is allowed in the water. In-water lines and other in-water equipment must be placed in a manner that does not entrap species within the project area or block access for them to navigate around the project area.

Sea turtles might be adversely affected by their inability to access the project area for foraging, refuge, and/or nursery habitat, due to their avoidance of construction activities, related noise, and physical exclusion from the project area due to blockage by turbidity curtains (if used, although unlikely). We have determined that these effects will be insignificant. The site does not contain any structure that could be used by sea turtles for shelter. Sea turtles may forage in the area but the size of the area from which animals will be excluded is relatively small in comparison to the available similar habitat nearby. In addition, any disturbances to listed species would be temporary, limited to (12 months) of in-water construction, after which the site conditions are expected to return to background levels and animals will be able to return.

Sea turtles may be affected by the permanent removal of habitat, which can serve as forage resources. However, this effect will be insignificant, given the availability of similar resources nearby.

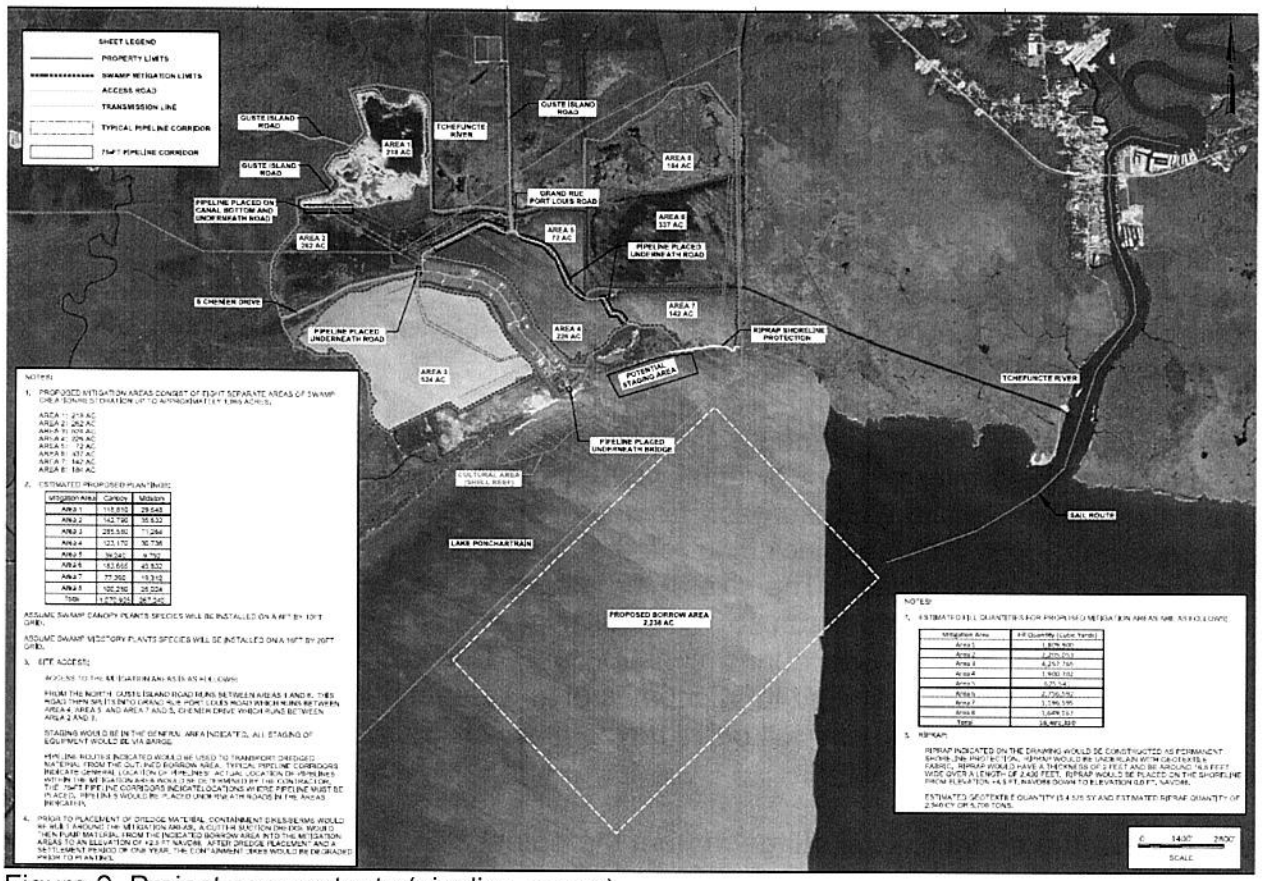


Figure 2. Project compontents (pipeline, green)

Effects to Gulf Sturgeon

Hypoxic and anoxic conditions can occur in deep borrow pits that have a tendency to accumulate organic material. This accumulation would be reduced for the Pine Island swamp creation project by: 1) limiting the depth of the pit; 2) increasing the pits surface area; and 3) decreasing side-slopes that transition from the pit to adjacent water bottoms. A shallow and broad "pan-shaped" borrow pit has been designed for this project to facilitate circulation with adjacent waters, thereby decreasing the likelihood that organic material would become entrained, as well as allow for periodic flushing of the pit during storm events.

The proposed borrow plan has been developed with an emphasis of mimicking a natural depression in the lake bottom and in line with designs discussed above. A gradual side slope of 1V:3H has been designed for the borrow pit. This gradual slope would facilitate tidal flushing and the size of the surface area would facilitate tidal mixing of the water column. Borrow pit depth would be kept to 10-11 feet below lake bottom.

Gulf sturgeon may be physically injured if struck by construction equipment, vessels, or materials. This effect is discountable due to the ability of the species to move away from the project site if disturbed. Gulf sturgeon are mobile and are able to avoid

construction noise, moving equipment, and placement or removal of materials during construction.

Gulf sturgeon may be physically injured if struck or entrained during dredging. This is extremely unlikely to occur due to the species' mobility and the type of dredge used for this project, therefore the effect is discountable. NMFS has previously determined in dredging Biological Opinions (e.g., (NMFS 2007)) that, while ocean-going hopper-type dredges may lethally entrain sturgeon, non-hopper type dredging methods, such as the cutterhead dredging method used in this project, are slower and extremely unlikely to adversely affect Gulf sturgeon.

Use of turbidity curtains (although unlikely), the construction activities, and related construction noise may prevent or deter Gulf sturgeon from entering the project area. We believe the effect to Gulf sturgeon from temporary exclusion from the project area due to construction activities, including related noise and presence of turbidity curtains (if used), will be insignificant. The size of the area from which animals will be excluded is relatively small in comparison to the available similar habitat nearby, which Gulf sturgeon will be able to use during construction. Disturbances and loss of habitat access will be temporary, limited to 12 months of in-water construction. After the project is completed, turbidity curtains will be removed and Gulf sturgeon will be able to return to the project area.

We believe the effect to Gulf sturgeon from the potential loss of foraging habitat due to dredging will be insignificant. Gulf sturgeon are opportunistic feeders that forage over large areas and will be able to locate prey beyond the small relatively dredging footprint (2,238 acres). Also, impacts to foraging resources from dredging are temporary since benthic invertebrate populations in dredged areas have been observed to recover in 3-24 months after dredging (Culter and Mahadevan 1982; Saloman et al. 1982; Wilber et al. 2007).

5. ROUTES OF EFFECT TO CRITICAL HABITAT

The project is not located in designated critical habitat (DCH), and there are no potential routes of effect to any designated critical habitat.

6. DETERMINATION:

The Corps has reviewed the proposed project for its impacts to federally listed species. Based on currently available historical and catch data, a review of current literature and studies, and with the employment of avoidance measures recommended through guidelines set up during coordination with NMFS, including marine mammal entrapment measures and the sea turtle and smalltooth sawfish construction conditions, the Corps has concluded the project may affect but is not likely to adversely affect the species listed in Table 1 but will not affect any DCH. This analysis was prepared based on the best scientific and commercial data available.

The Corps is requesting National Marine Fisheries Service's (NMFS) written concurrence with these determinations. The Corps appreciates your cooperation in completing this informal section 7 consultation by concurring with the Corps' effect determination(s) a timely manner. If NMFS disagrees with the Corps' effect determination(s) and requests formal Section 7 consultation, please contact the below referenced Environmental Manager to discuss suggested modifications to the action to avoid potential adverse effects and NMFS' additional information needs. The Corps will continue to coordinate with NMFS office via email to provide the requested information and, if warranted, a revised effects determination.

The Finding of No Significant Impacts (FONSI) will not be signed and no contract for construction nor construction will begin until this ESA consultation is complete with your agency (CFR 402.12 (b)(2)).

Sincerely,

Marshall K. Harper
Chief, New Orleans District
Environmental Branch

Literature Cited

Clarke, D., Dickerson, C., and K. Reine 2002. "Characterization of underwater sounds produced by dredges. *Dredging 2002*, ASCE, Orlando, Florida, USA, p 64-81.

Culter, J. K., and S. K. Mahadevan. 1982. Long-term effects of beach nourishment on the benthic fauna of Panama City Beach, Florida. Mote Marine Laboratory, Sarasota, FL., Miscellaneous Report No. 82-2, Fort Belvoir, Va.

Davis, W.J., J.P. Miller, and W.L. Wilson. 1970. Biology and utilization of anadromous alosides, Phase 3. Location of spawning sites and nurseries. In. Completion Rep. Anadromous Fish Project Va.Va. Inst. Mar. Sci. Gloucester Point, Va. 25 pp.

NMFS. 2007. Regional Biological Opinion on Hopper Dredging of Navigational Channels and Borrow Areas in Gulf of Mexico (https://www.fisheries.noaa.gov/webdam/download/91875709).

Reynolds, C.R. 1993. Gulf sturgeon sightings, historic and recent - a summary of public responses. U.S. Fish and Wildlife Service. Panama City, Florida.

Rogillio, H. E. 1993. Status survey of Gulf sturgeon in Louisiana. Louisiana Department of Wildlife and Fisheries. Project E1-1. 6 pp.

Saloman, C. H., S. P. Naughton, and J. L. Taylor. 1982. Benthic community response to dredging borrow pits, Panama City Beach, Florida. National Marine Fisheries Service, Gulf Coastal Fisheries Center, Miscellaneous Report No. 82-3, Panama City, FL.

USACE, 2014. "Programmatic Individual Environmental Report 36 Tiered Individual Environmental Report 1, Milton Island Marsh Restoration Project, Saint Tammany Parish, Louisiana

Wilber, D. H., D. G. Clarke, and S. I. Rees. 2007. Responses of benthic macroinvertebrates to thin-layer disposal of dredged material in Mississippi Sound, USA. Marine Pollution Bulletin 54(1):42-52.

UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
Southeast Regional Office
263 13th Avenue South
St. Petersburg, Florida 33701-5505
https://www.fisheries.noaa.gov/region/southeast

November 21, 2019

F/SER31:LW
SERO-2019-02308

Chief, Environmental Branch
New Orleans District Corps of Engineers
Department of the Army
7400 Leake Avenue
New Orleans, Louisiana 70118

Ref.: Bipartisan Budget Act 18 EA #576, Madisonville, St. Tammany Parish, Louisiana. – EXPEDITED

Dear Mr. Harper:

This letter responds to your November 15, 2019, request pursuant to Section 7 of the Endangered Species Act (ESA) for consultation with the National Marine Fisheries Service (NMFS) on the subject action.

We reviewed the action agency's consultation request document and related materials. Based on our knowledge, expertise, and the action agency's materials, we concur with the action agency's conclusions that the proposed action is not likely to adversely affect the NMFS ESA-listed species and/or designated critical habitat. This concludes your consultation responsibilities under the ESA for species and/or designated critical habitat under NMFS's purview. Reinitiation of consultation is required and shall be requested by the action agency or by NMFS where discretionary Federal involvement or control over the action has been retained or is authorized by law and: (a) take occurs; (b) new information reveals effects of the action that may affect listed species or critical habitat in a manner or to an extent not previously considered in this consultation; (c) the action is subsequently modified in a manner that causes an effect to the listed species or critical habitat not previously considered in this consultation; or (d) if a new species is listed or critical habitat designated that may be affected by the action.

We look forward to further cooperation with you on other projects to ensure the conservation of our threatened and endangered marine species and designated critical habitat. If you have any questions on this consultation, please contact Laura Wright, Consultation Biologist, at (727) 209-5977 or by email at laura.wright@noaa.gov.

Sincerely,

for David Bernhart
Assistant Regional Administrator
for Protected Resources

File: 1514-22.f.7

U.S. Department of Agriculture

FARMLAND CONVERSION IMPACT RATING

PART I *(To be completed by Federal Agency)*		Date Of Land Evaluation Request	
Name of Project	BBA Construction Project Mitigation	Federal Agency Involved	USACE
Proposed Land Use	Conversion to forested Wetlands	County and State	Louisiana St. Mary Ascension St. John E. Feliciana EBR St. James St. Tammany Tangipahoa
PART II *(To be completed by NRCS)*		Date Request Received By NRCS	Person Completing Form:

Does the site contain Prime, Unique, Statewide or Local Important Farmland? *(If no, the FPPA does not apply - do not complete additional parts of this form)*	YES ☐	NO ☐	Acres Irrigated	Average Farm Size
Major Crop(s)	Farmable Land In Govt. Jurisdiction Acres: %		Amount of Farmland As Defined in FPPA Acres: %	
Name of Land Evaluation System Used	Name of State or Local Site Assessment System		Date Land Evaluation Returned by NRCS	

PART III *(To be completed by Federal Agency)*	Alternative Site Rating			
	Site A	Site B	Site C	Site D
A. Total Acres To Be Converted Directly	3,268			
B. Total Acres To Be Converted Indirectly				
C. Total Acres In Site	3,268			
PART IV *(To be completed by NRCS)* Land Evaluation Information				
A. Total Acres Prime And Unique Farmland				
B. Total Acres Statewide Important or Local Important Farmland				
C. Percentage Of Farmland in County Or Local Govt. Unit To Be Converted				
D. Percentage Of Farmland in Govt. Jurisdiction With Same Or Higher Relative Value				
PART V (To be completed by NRCS) Land Evaluation Criterion Relative Value of Farmland To Be Converted (Scale of 0 to 100 Points)				

PART VI *(To be completed by Federal Agency)* Site Assessment Criteria *(Criteria are explained in 7 CFR 658.5 b. For Corridor project use form NRCS-CPA-106)*	**Maximum Points**	Site A	Site B	Site C	Site D
		See Attached			
1. Area In Non-urban Use	(15)				
2. Perimeter In Non-urban Use	(10)				
3. Percent Of Site Being Farmed	(20)				
4. Protection Provided By State and Local Government	(20)				
5. Distance From Urban Built-up Area	(15)				
6. Distance To Urban Support Services	(15)				
7. Size Of Present Farm Unit Compared To Average	(10)				
8. Creation Of Non-farmable Farmland	(10)				
9. Availability Of Farm Support Services	(5)				
10. On-Farm Investments	(20)				
11. Effects Of Conversion On Farm Support Services	(10)				
12. Compatibility With Existing Agricultural Use	(10)				
TOTAL SITE ASSESSMENT POINTS	160				
PART VII ***(To be completed by Federal Agency)***					
Relative Value Of Farmland *(From Part V)*	100				
Total Site Assessment *(From Part VI above or local site assessment)*	160				
TOTAL POINTS ***(Total of above 2 lines)***	260				

Site Selected: All Sites Attached	Date Of Selection July 8, 2019	Was A Local Site Assessment Used? YES ☐ NO ☐

Reason For Selection:

Name of Federal agency representative completing this form:	Date:

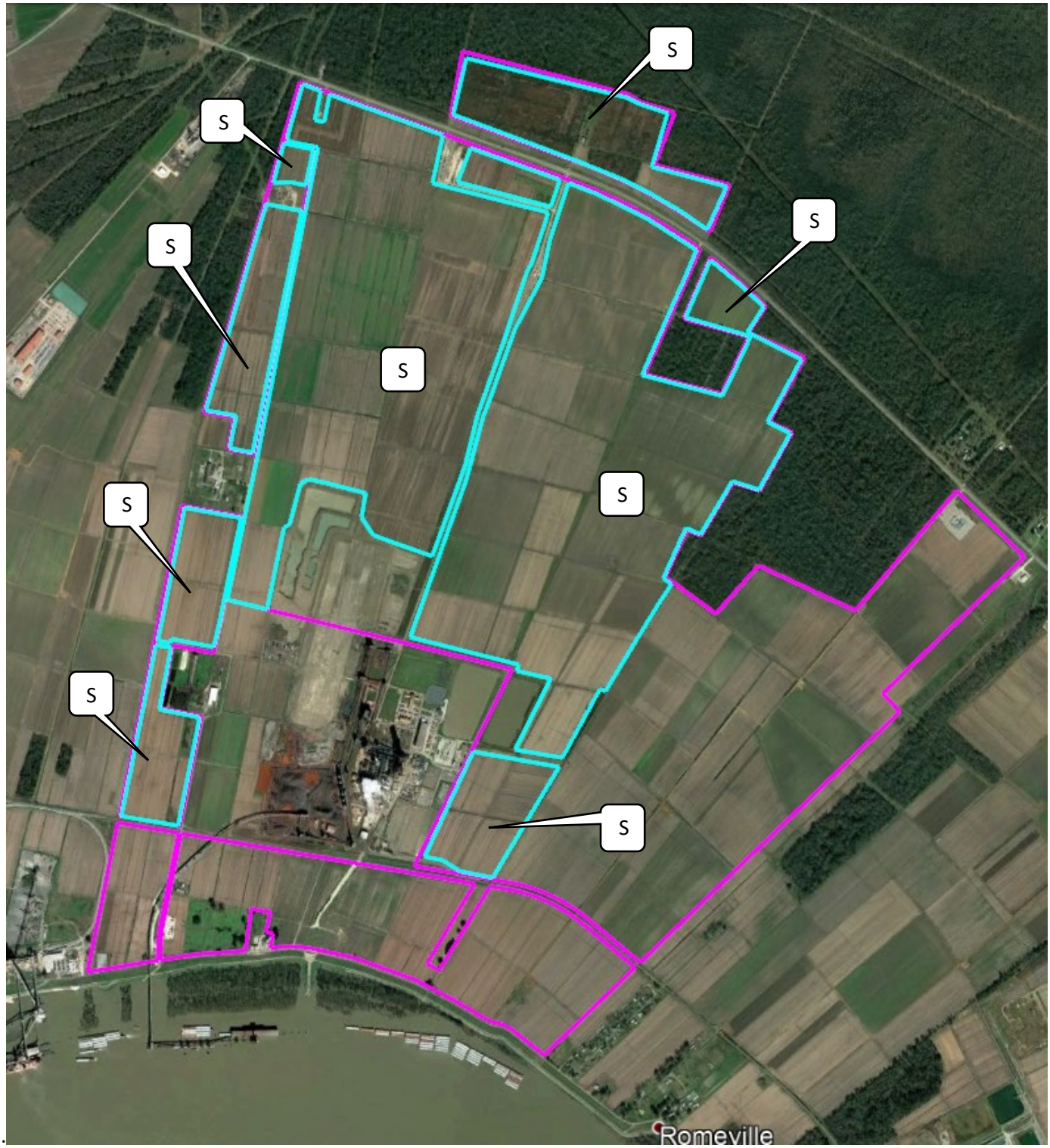
(See Instructions on reverse side)

Form AD-1006 (03-02)

PINE ISLAND (P1)

SWAMP: 1,946 acres (865 AAHUs)

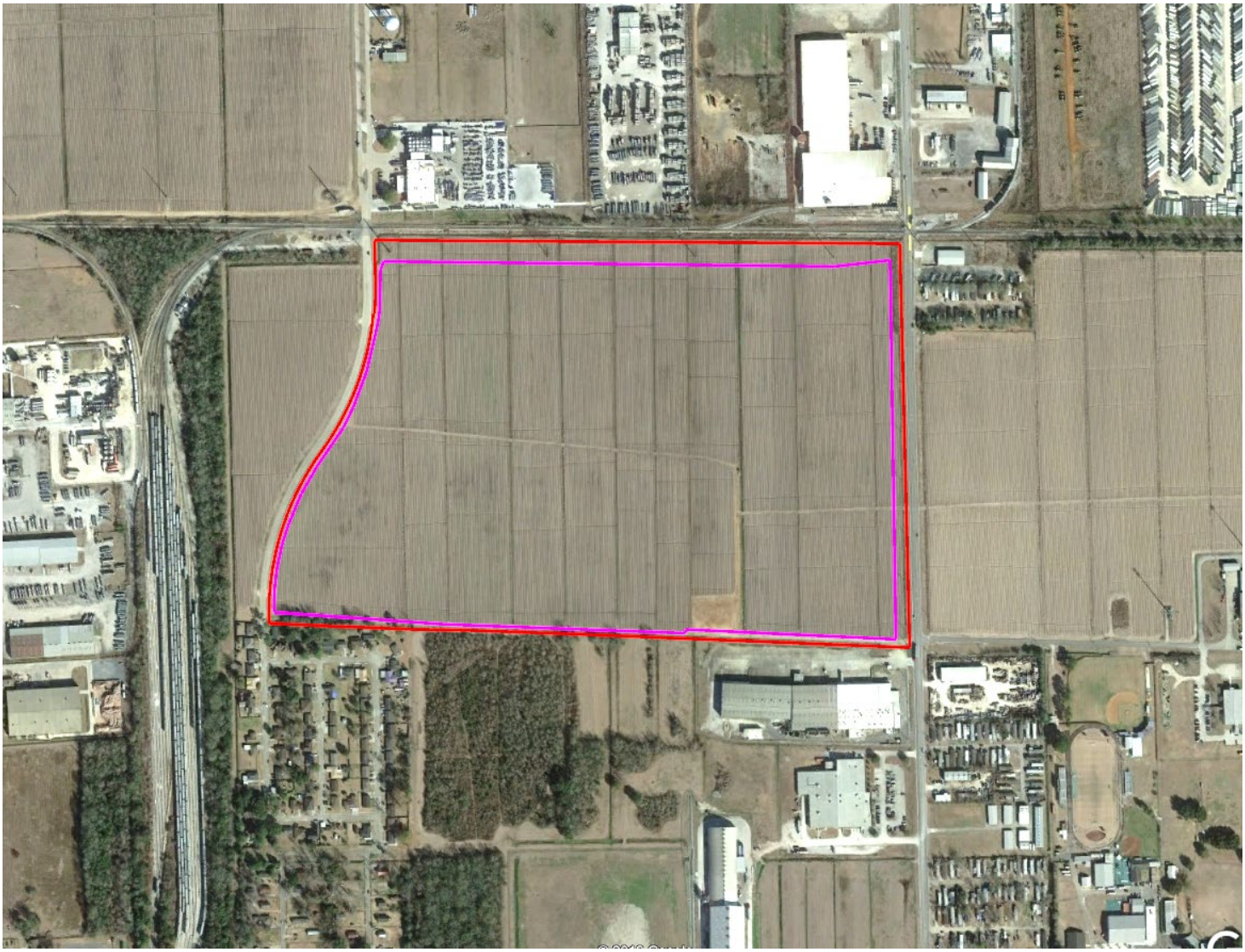
Not Prime Farmland



SAINT JAMES (P2)

SWAMP (S) = 1,246.6 acres (561 AAHUs) OR – All mitigation areas may be BLH restoration (685.6 AAHUs)

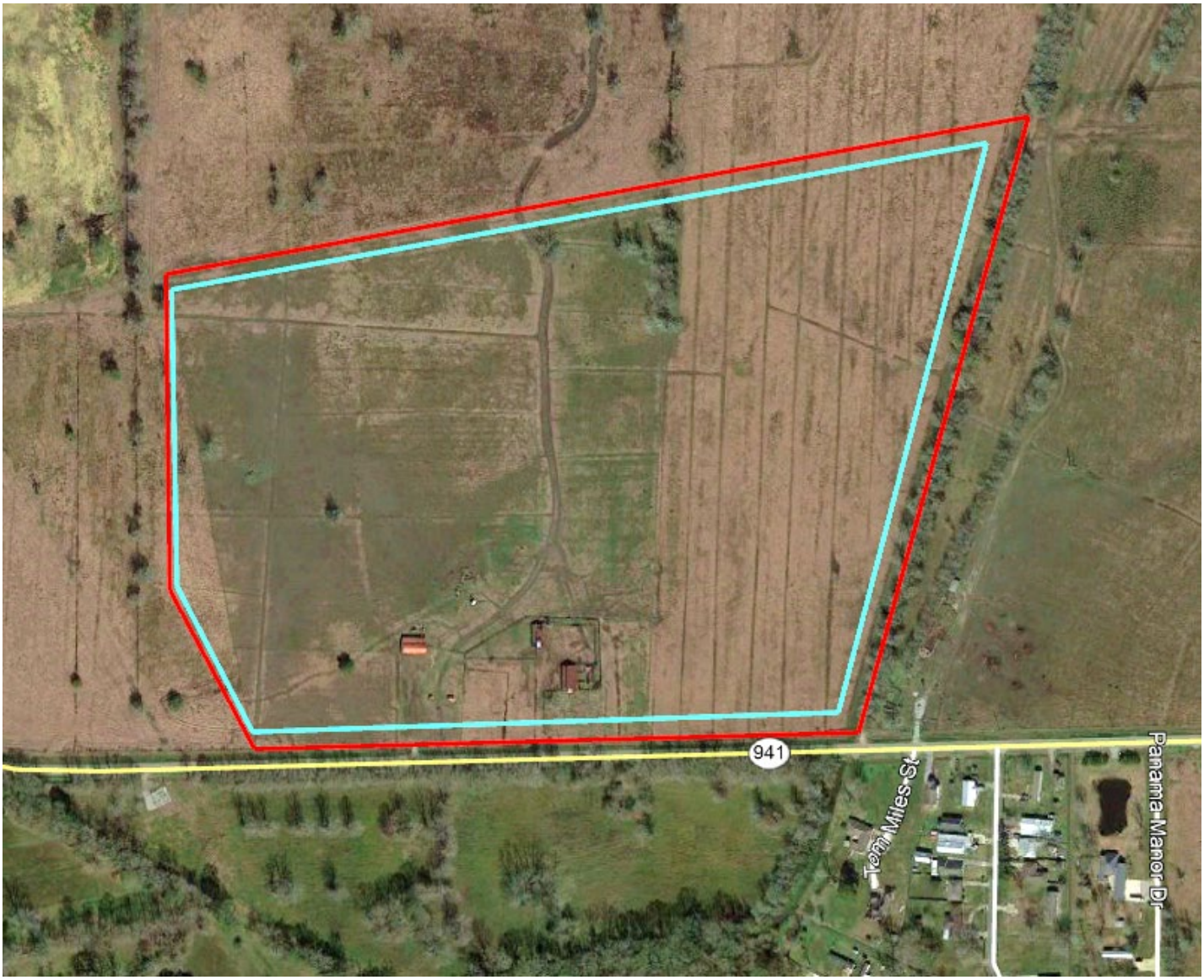
1. 15	7. 10
2. 10	8. 10
3. 20	9. 5
4. 0	10. 15
5. 15	11. 10
6. 15	12. 0



SAINT JOHN (P3)

BLH = 94.7 acres (47 AAHUs)

1. 15	7. 0
2. 10	8. 10
3. 20	9. 5
4. 0	10. 15
5. 15	11. 10
6. 15	12. 0



ASCENSION SB (P6)

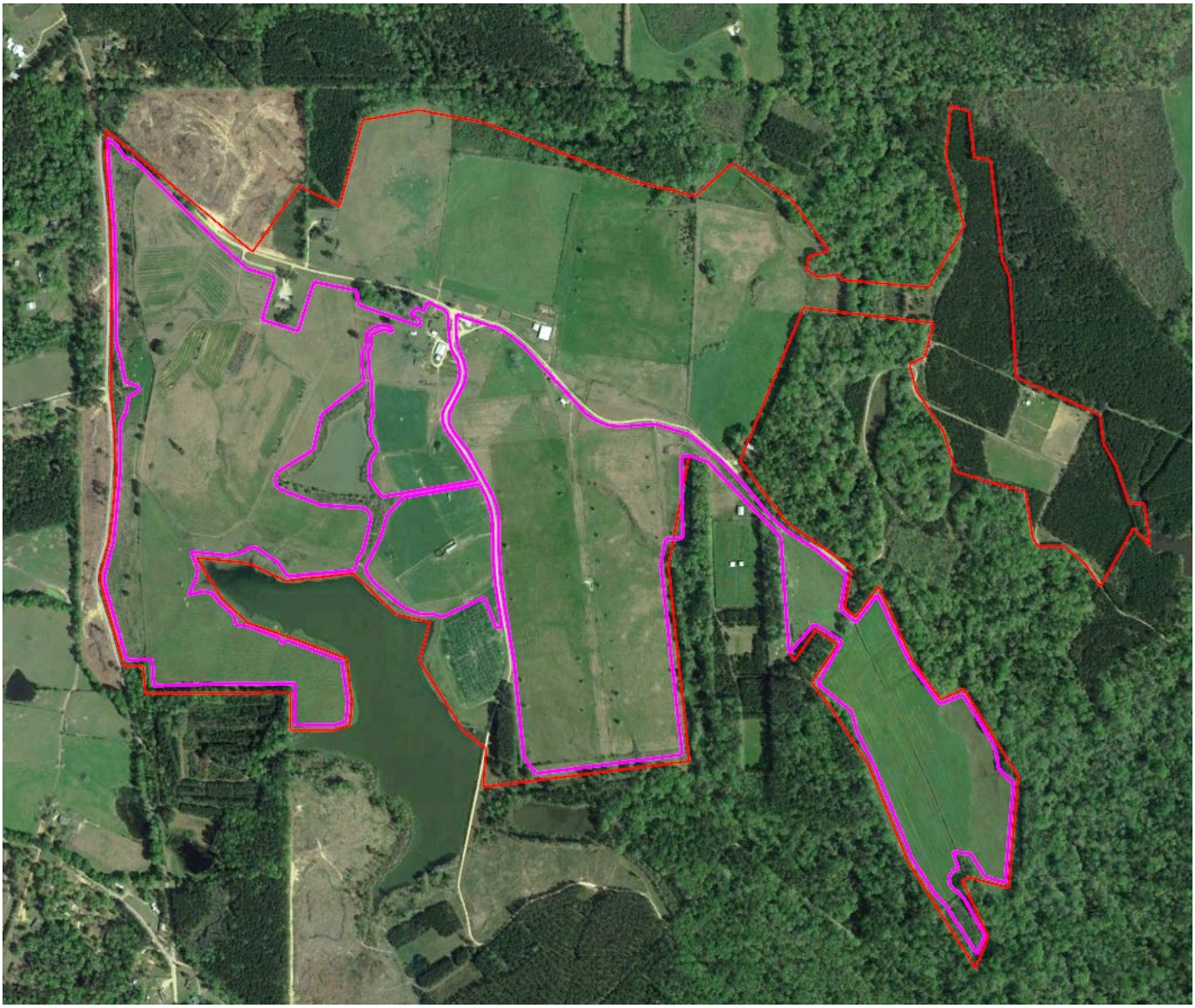
BLH = 56 acres (31 AAHUs)

1. 15	7. 0
2. 10	8. 10
3. 20	9. 5
4. 0	10. 19
5. 15	11. 10
6. 15	12. 0

GBRPC (P10)

BLH = 135 acres (68 AAHUs)

1. 15	7. 10
2. 10	8. 10
3. 20	9. 5
4. 0	10. 15
5. 15	11. 10
6. 15	12. 0



FELICIANA (P12)

BLH = 267 acres (160 AAHUs)

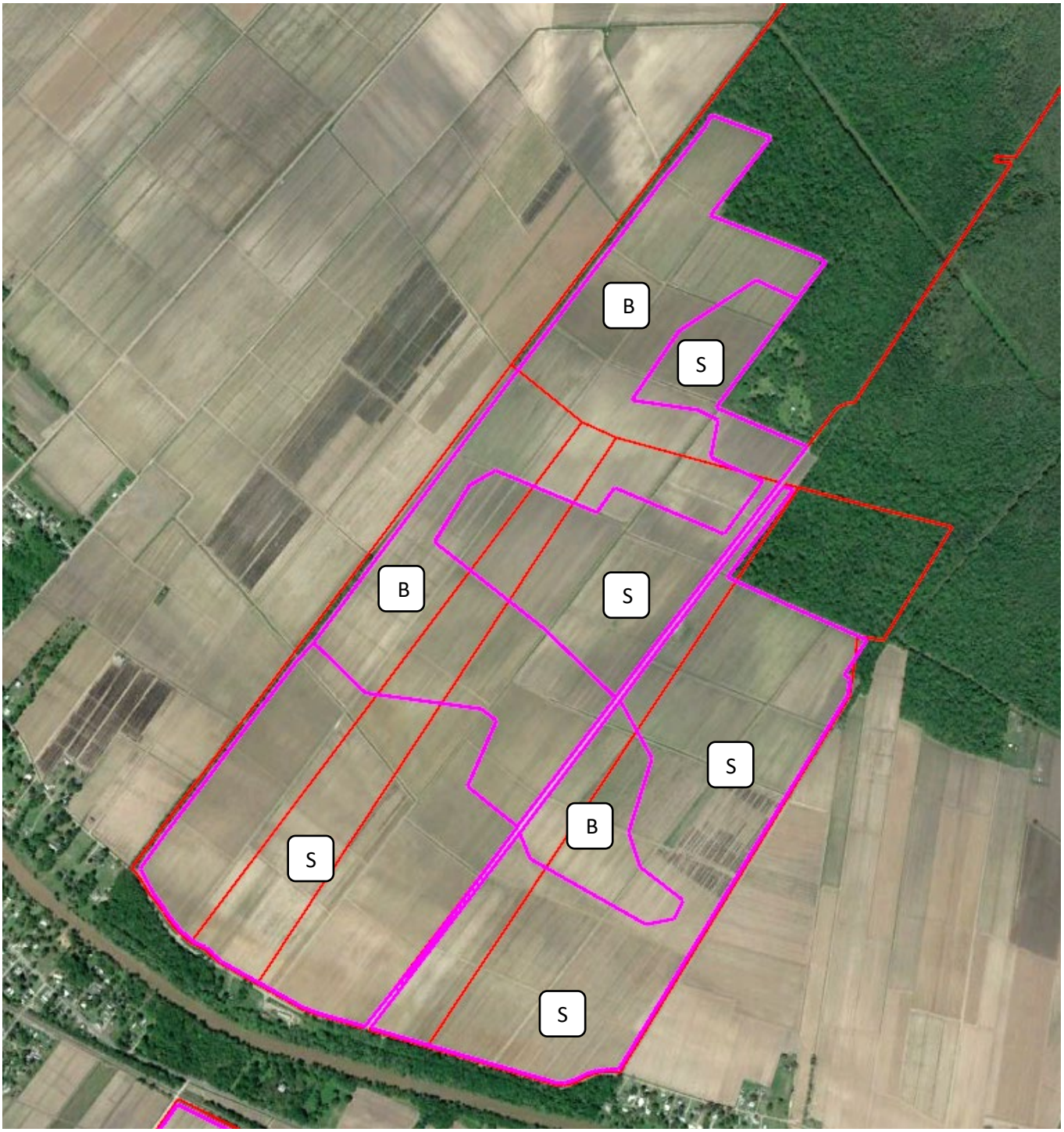
1. 15	7. 7
2. 10	8. 10
3. 20	9. 5
4. 0	10. 16
5. 15	11. 10
6. 15	12. 0

r

JOYCE WMA (P14)

SWAMP = 1,126 acres, enhancement (338 AAHUs)

Not Prime Farmland

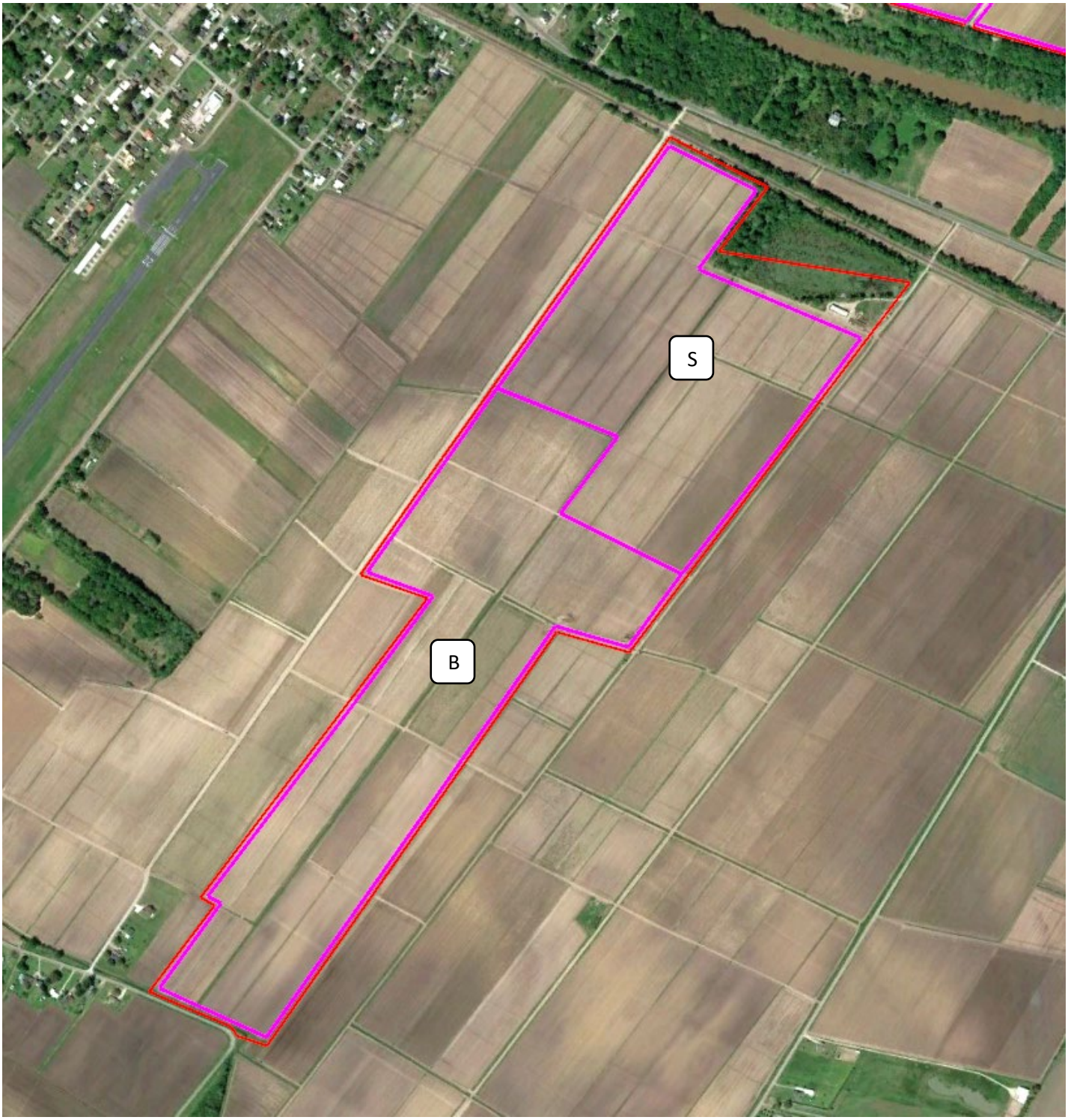


ALBANIA NORTH (V1)

SWAMP (S) = 633 acres (285 AAHUs)

BLH (B) = 332 acres (199 AAHUs)

1. 15	7. 5
2. 10	8. 10
3. 20	9. 5
4. 0	10. 12
5. 15	11. 10
6. 15	12. 0

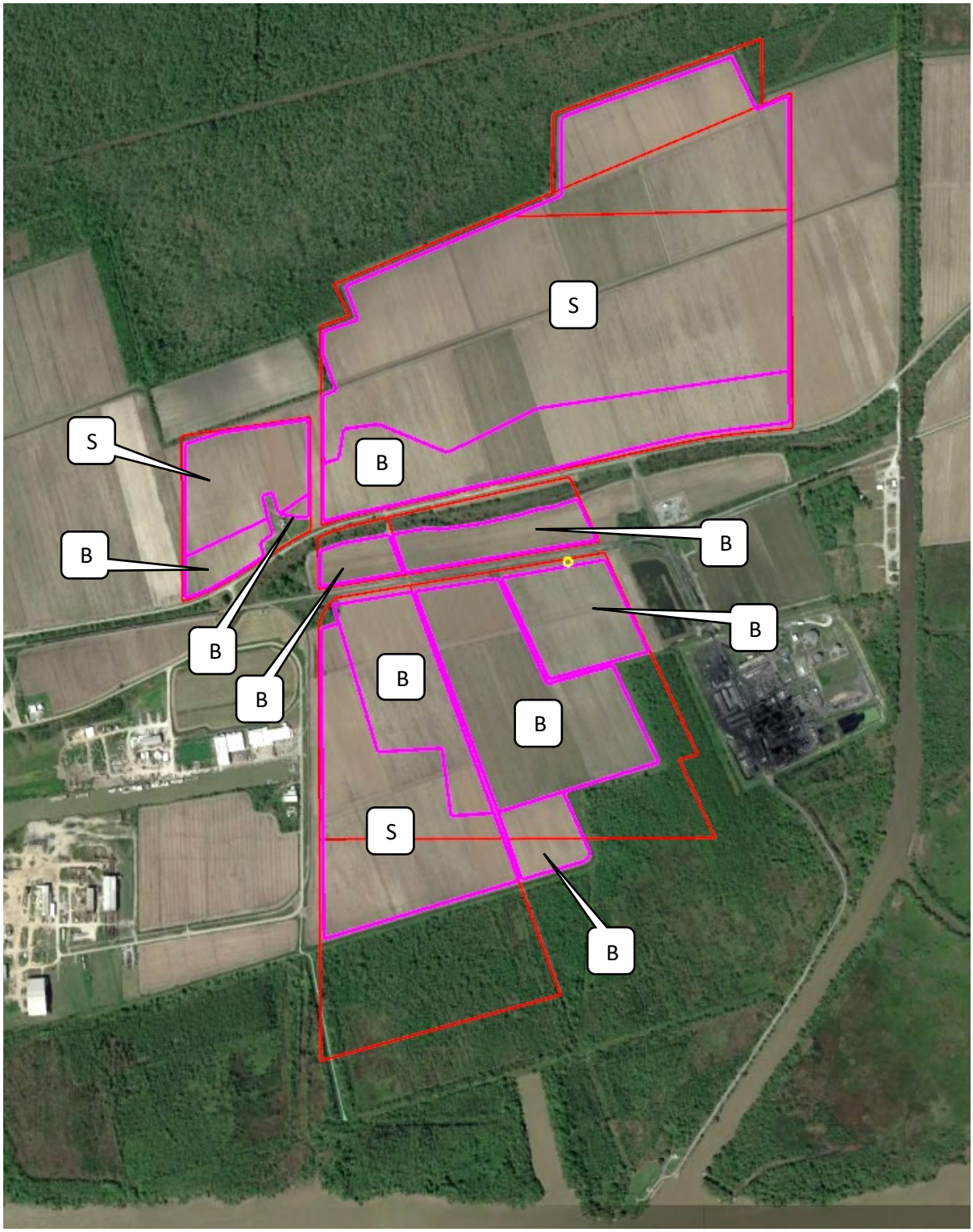


ALBANIA SOUTH (V2)

SWAMP (S) = 81 acres (32 AAHUs)

BLH (B) = 111 acres (61 AAHUs)

1. 15	7. 5
2. 10	8. 10
3. 20	9. 5
4. 0	10. 12
5. 15	11. 10
6. 15	12. 0



COTE BLANCHE (V3)

SWAMP (S) = 279 acres (126 AAHUs)

BLH (B) = 168 acres (92 AAHUs)

1. 15	7. 5
2. 10	8. 10
3. 20	9. 5
4. 0	10. 12
5. 15	11. 10
6. 15	12. 0

USDA
United States Department of Agriculture

September 24, 2019

Tammy Gilmore, Biologist/Environmental Resource Specialist
U.S. Army Corps of Engineers
Regional Planning and Environmental Division South
CEMVN-PDN-CEP
7400 Leake Avenue
New Orleans, LA 70118

RE: BBA Construction Project Mitigation – Multiple Parishes – Farmland Conversion Impact Rating; West Shore Lake Pontchartrain, Comite River Diversion, and East Baton Rouge Flood Risk Management

Dear Ms. Gilmore:

I have reviewed the above referenced project for potential requirements of the Farmland Protection Policy Act (FPPA) and potential impact to Natural Resource Conservation Service projects in the immediate vicinity.

Projects are subject to FPPA requirements if they may irreversibly convert farmland (directly or indirectly) to nonagricultural use and are completed by a federal agency or with assistance from a federal agency. For the purpose of FPPA, farmland includes prime farmland, unique farmland, and land of statewide or local importance. Farmland subject to FPPA requirements can be forest land, pastureland, cropland, or other land, but not water or urban built-up land.

The project map and narrative submitted with your request indicates that the proposed construction areas will potentially impact the following prime or unique farmland soils:

Albania North

Soil Map Unit and Symbol	Acres		RV
Iberia Parish			
Ba – Baldwin silty clay loam, 0 to 1 percent slopes	0.7		92
Gv – Galvez silt loam	0.6		100
Lo – Loreauville silt loam	0.7		100
Sh – Schriever clay, 0 to 1 percent slopes	0.2		92
Total Acres	2.2	Weighted Avg. RV	97

Natural Resources Conservation Service
State Office
3737 Government Street
Alexandria, Louisiana 71302
Voice: (318) 473-7751 Fax: (844) 325-6947

Helping People Help the Land

Soil Map Unit and Symbol	Acres		RV
St. Mary Parish			
BdA – Baldwin silty clay loam, 0 to 1 percent slopes	386.4		88
GaA – Galvez silt loam, 0 to 1 percent slopes	239.2		93
GxA – Uderts and Glenwild soils, 0 to 3 percents slopes	47.3		93
IbA – Iberia clay, 0 to 1 percent slopes	180.2		88
LoA – Loreauville silt loam, 0 to 1 percent slopes	118.7		96
ShA – Schriever clay, 0 to 1 percent slopes	19.1		81
Total Acres	990.9	Weighted Avg. RV	90

Albania South

Soil Map Unit and Symbol	Acres		RV
BdA – Baldwin silty clay loam, 0 to 1 percent slopes	24.9		100
CoA – Coteau silt, 0 to 1 percent slopes	16.2		93
IbA – Iberia clay, 0 to 1 percent slopes	67.5		100
JaA – Jeanerette silt loam, 0 to 1 percent slopes	21.3		100
PaA – Patoutville silt, 0 to 1 percent slopes	77.1		93
Total Acres	207.0	Weighted Avg. RV	97

Ascension

Soil Map Unit and Symbol	Acres		RV
Es – Essen silt loam	0.1		72
Sa – Sharkey silty clay loam	3.1		85
Sc – Sharkey clay, 0 to 1 percent slopes, rarely flooded	59.9		85
Total Acres	63.0	Weighted Avg. RV	85

Cote Blanche

Soil Map Unit and Symbol	Acres		RV
BdA – Baldwin silty clay loam, 0 to 1 percent slopes	230.1		96
DrA – Dupuy silt loam, 0 to 1 percent slopes	69.0		93
IbA – Iberia clay, 0 to 1 percent slopes	108.8		88
LoA – Loreauville silt loam, 0 to 1 percent slopes	88.6		100
Total Acres	496.5	Weighted Avg. RV	95

Feliciana

Soil Map Unit and Symbol	Acres		RV
Ca – Calhoun silt loam, 0 to 1 percent slopes	0.2		59
Dx – Dexter silt loam, 1 to 3 percent slopes	4.7		88
Fk – Fluker silt loam, 0 to 2 percent slopes	17.6		70
Lt – Lytle silt loam, 1 to 3 percent slopes	4.4		80
Ta – Tangi silt loam, 1 to 3 percent slopes	102.4		80
To – Toula silt loam, 1 to 3 percent slopes	6.0		80
Total Acres	135.3		79

GBRPC

Soil Map Unit and Symbol	Acres	RV
CmA – Cancienne silt loam, 0 to 1 percent slopes	11.3	81
ShB – Schriever-Thibaut clays, gently undulating	149.0	70
Total Acres	160.3	71

Gravity

Soil Map Unit and Symbol	Acres	RV
Cm – Commerce silt loam, 0 to 1 percent slopes	5.2	100
Co – Commerce silty clay loam	18.4	100
Sc – Sharkey clay, 0 to 1 percent slopes, rarely flooded	61.6	85
Total Acres	85.2	89

Saint James

Soil Map Unit and Symbol	Acres	RV
CmA – Cancienne silt loam, 0 to 1 percent slopes	149.0	100
CnA – Cancienne silty clay loam, 0 to 1 percent slopes	157.1	100
CvA – Carville silt loam, 0 to 1 percent slopes	77.7	100
GrA – Gramercy silty clay, 0 to 1 percent slopes	626.1	85
SkA – Schriever clay, 0 to 1 percent slopes	121.5	85
VhA – Vacherie very fine sandy loam, 0 to 1 percent slopes	221.6	100
Total Acres	1353.0	92

Saint John

Soil Map Unit and Symbol	Acres	RV
CmA – Cancienne silt loam, 0 to 1 percent slopes	101.6	100
GrA – Gramercy silty clay, 0 to 1 percent slopes	2.5	85
Total Acres	104.1	100

Please find attached an AD-1006 'Farmland Conversion Impact Rating' form for each construction area related to this project with our agency's information completed. Furthermore, we do not predict impacts to NRCS work in the vicinity.

For specific information about the soils found in the project area, please visit our Web Soil Survey at the following location: http://websoilsurvey.nrcs.usda.gov/

For more information on FPPA requirements or the process to receive a Farmland Conversion Impact Rating (Form AD-1006 or CPA-106) please visit the following location: http://www.nrcs.usda.gov/wps/portal/nrcs/main/national/landuse/fppa/

Please direct all future correspondence to me at the address shown below.

Respectfully,

W. Bl

Acting for Tim Landreneau
Acting State Conservationist

Attachment

DEPARTMENT OF THE ARMY
CORPS OF ENGINEERS, NEW ORLEANS DISTRICT
7400 LEAKE AVENUE
NEW ORLEANS, LOUISIANA 70118

REPLY TO
ATTENTION OF

Regional Planning and Environment
Division South

AUG 19 2019

Scott Guilliams
Louisiana Dept. of Env. Quality
Administrator of Water Permits Div.
P.O. Box 4313
Baton Rouge, LA 70821-4313

Dear Mr. Guilliams:

An application for a State Water Quality Certificate, prepared by the U.S. Army Corps of Engineers, New Orleans District (CEMVN), for the Bipartisan Budget Act (BBA) 18 Mitigation for Construction Projects, West Shore Lake Pontchartrain, Comite River Diversion, and East Baton Rouge Flood Risk Management (BBA Mitigation EA #576) is enclosed along with a project map and description. The CEMVN staff request that a water quality certification be completed, pursuant to Section 401 of the Clean Water Act of 1977, as amended (33 U.S.C., Section 1341).

The proposed project consists of bottomland hardwoods and swamp restoration/creation and swamp enhancement located in the Lake Pontchartrain Basin and extending through the Mississippi Alluvial Plain, south of and including the Southern Holocene Meander Belts (73k). To the best of our knowledge, any dredge/fill material will be free of contaminants. Please provide the Public Notice for publication in the Advocate of Baton Rouge. In addition to sending us the hard copy of your documents, we request that an e-mail with your transmittal letter and the public notice attached be sent to tammy.f.gilmore@usace.army.mil.

Please address any comments to the attention of Ms. Tammy Gilmore; U.S. Army Corps of Engineers; Regional Planning and Environmental Division South; CEMVN-PDN-CEP; 7400 Leake Avenue; New Orleans, Louisiana 70118.

Sincerely,

Marshall K. Harper

Marshall K. Harper
Chief, Environmental Planning Branch

Enclosures

U.S. Army Corps of Engineers (USACE)

APPLICATION FOR DEPARTMENT OF THE ARMY PERMIT

33 CFR 325. The proponent agency is CECW-CO-R.

Form Approved - OMB No. 0710-0003 Expires: 01-08-2018

The public reporting burden for this collection of information, OMB Control Number 0710-0003, is estimated to average 11 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding the burden estimate or burden reduction suggestions to the Department of Defense, Washington Headquarters Services, at whs.mc-alex.esd.mbx.dd-dod-information-collections@mail.mil. Respondents should be aware that notwithstanding any other provision of law, no person shall be subject to any penalty for failing to comply with a collection of information if it does not display a currently valid OMB control number. PLEASE DO NOT RETURN YOUR APPLICATION TO THE ABOVE EMAIL.

PRIVACY ACT STATEMENT

Authorities: Rivers and Harbors Act, Section 10, 33 USC 403; Clean Water Act, Section 404, 33 USC 1344; Marine Protection, Research, and Sanctuaries Act, Section 103, 33 USC 1413; Regulatory Programs of the Corps of Engineers; Final Rule 33 CFR 320-332. Principal Purpose: Information provided on this form will be used in evaluating the application for a permit. Routine Uses: This information may be shared with the Department of Justice and other federal, state, and local government agencies, and the public and may be made available as part of a public notice as required by Federal law. Submission of requested information is voluntary, however, if information is not provided the permit application cannot be evaluated nor can a permit be issued. One set of original drawings or good reproducible copies which show the location and character of the proposed activity must be attached to this application (see sample drawings and/or instructions) and be submitted to the District Engineer having jurisdiction over the location of the proposed activity. An application that is not completed in full will be returned. System of Record Notice (SORN). The information received is entered into our permit tracking database and a SORN has been completed (SORN #A1145b) and may be accessed at the following website: http://dpcld.defense.gov/Privacy/SORNsIndex/DOD-wide-SORN-Article-View/Article/570115/a1145b-ce.aspx

(ITEMS 1 THRU 4 TO BE FILLED BY THE CORPS)

1. APPLICATION NO.	2. FIELD OFFICE CODE	3. DATE RECEIVED	4. DATE APPLICATION COMPLETE

(ITEMS BELOW TO BE FILLED BY APPLICANT)

5. APPLICANT'S NAME	8. AUTHORIZED AGENT'S NAME AND TITLE (agent is not required)
First - Middle - Last -	First - Marshall Middle - K. Last - Harper
Company - US Army Corps of Engineers, New Orleans District	Company - US Army Corps of Engineers, New Orleans District
E-mail Address -	E-mail Address - Marshall.K.Harper@usace.army.mil
6. APPLICANT'S ADDRESS:	**9. AGENT'S ADDRESS:**
Address- CEMVN-PDS-C, P.O. Box 60267	Address- CEMVN-PDS-C, P.O. Box 60267
City - New Orleans State - LA Zip - 70160 Country - USA	City - New Orleans State - LA Zip - 70160 Country - USA
7. APPLICANT'S PHONE NOs. w/AREA CODE	**10. AGENTS PHONE NOs. w/AREA CODE**
a. Residence b. Business 504-862-1151 c. Fax	a. Residence b. Business 504-862-1151 c. Fax

STATEMENT OF AUTHORIZATION

11. I hereby authorize, _____ to act in my behalf as my agent in the processing of this application and to furnish, upon request, supplemental information in support of this permit application.

_____ SIGNATURE OF APPLICANT _____ DATE

NAME, LOCATION, AND DESCRIPTION OF PROJECT OR ACTIVITY

12. PROJECT NAME OR TITLE (see instructions)
BBA Mitigation Project

13. NAME OF WATERBODY, IF KNOWN (if applicable)	14. PROJECT STREET ADDRESS (if applicable)
Unnamed open water areas north of Lake Pontchartrain	Address not applicable
15. LOCATION OF PROJECT	City - State- Zip-
Latitude: °N 30 23' 48.20" N Longitude: °W 90 13' 05.93"	

16. OTHER LOCATION DESCRIPTIONS, IF KNOWN (see instructions)

State Tax Parcel ID Municipality Saint Tammany Parish

Section - Township - Range -

17. DIRECTIONS TO THE SITE

Directions to Pine Island Mitigation Site --
Take I-55 to Ponchatoula, then go east on LA-22 toward Madisonville. Go approximately 13.5 miles on LA-22, then turn south (right) on Guste Island Road. Continue approximately 2.5 miles south on Guste Island Road. You will then be near the center of the area where the Pine Island mitigation areas are proposed.

18. Nature of Activity (Description of project, include all features)

Please refer to Attachment 1 for a description of this multi-faceted mitigation project, and to Attachment 2 for drawings pertaining to this project. Note that Attachments1 and 2 plus this application addresses all 19 potential USACE-constructed mitigation projects and seeks a Water Quality Certification determination for the entire BBA Mitigation Project which includes these 19 mitigation projects/sites. However, only the proposed Pine Island Mitigation Project would involve placing (discharging) fill material (dredged sediments) into jurisdictional Waters of the United States that are also navigable waters of the US. Because of this, all the information provided in items 13 through 23 of this application form is specific to the Pine Island Mitigation Project and not the other 18 mitigation projects that are elements of the overall BBA Mitigation project.

19. Project Purpose (Describe the reason or purpose of the project, see instructions)

The purpose of the proposed BBA Mitigation Project is to provide compensatory mitigation for wetland habitat impacts associated with construction of the Westshore Lake Pontchartrain, Comite Diversion, and East Baton Rouge Flood Risk Management projects. These USACE civil works projects are collectively referred to as the Bipartisan Budget Act (BBA) Construction Projects.

USE BLOCKS 20-23 IF DREDGED AND/OR FILL MATERIAL IS TO BE DISCHARGED

20. Reason(s) for Discharge

The proposed Pine Island Mitigation project involves conversion of existing open water areas to forested wetlands, specifically swamp habitats. Discharge of dredged material (sediment) from Lake Pontchartrain into the 8 mitigation areas and discharge of dredged/excavated material (sediment) obtained from within the 8 mitigation areas and stacked along within the mitigation areas as containment berms are necessary to establish soil platforms in the mitigation areas that have an appropriate elevation for forested swamp habitats. Discharge of rip-rap along the shoreline of Lake Pontchartrain is necessary to protect one of the mitigation areas from the effects of shoreline erosion.

21. Type(s) of Material Being Discharged and the Amount of Each Type in Cubic Yards:

Type Amount in Cubic Yards	Type Amount in Cubic Yards	Type Amount in Cubic Yards
Sediment: 16,401,310 CY	Stone Rip-Rap: 2,940 CY	

22. Surface Area in Acres of Wetlands or Other Waters Filled (see instructions)

Acres 1,966 acres of Other Waters would be filled. All but 1 acre would be converted to forested wetlands.
or
Linear Feet

23. Description of Avoidance, Minimization, and Compensation (see instructions)
No compensation is proposed for the required discharge of dredged and fill material into Waters of the United States since this discharge is necessary to establish mitigation habitats. In addition, all but less than 1 acre of this discharge (the shoreline protection area) would remain Waters of the United States.
Temporary adverse impacts to water quality would be minimized by requiring the construction contractor to adhere to a USACE-approved Stormwater Pollution Prevention Plan (SWPPP), to obtain an LPDES General Permit for the project that incorporates the SWPPP, and to adhere to applicable conditions of the permit.

24. Is Any Portion of the Work Already Complete? ☐ Yes ☒ No IF YES, DESCRIBE THE COMPLETED WORK

25. Addresses of Adjoining Property Owners, Lessees, Etc., Whose Property Adjoins the Waterbody (if more than can be entered here, please attach a supplemental list)

a. Address-

City - State - Zip -

b. Address-

City - State - Zip -

c. Address-

City - State - Zip -

d. Address-

City - State - Zip -

e. Address-

City - State - Zip -

26. List of Other Certificates or Approvals/Denials received from other Federal, State, or Local Agencies for Work Described in This Application.

AGENCY	TYPE APPROVAL*	IDENTIFICATION NUMBER	DATE APPLIED	DATE APPROVED	DATE DENIED
USFWS	Letter of Concurrence	N/A	In process		
LaDNR	Coastal Zone Consist	N/A	In process		
NMFS	Letter of Concurrence	N/A	In process		
SHPO	Programmatic Agree	N/A	In process		

* Would include but is not restricted to zoning, building, and flood plain permits

27. Application is hereby made for permit or permits to authorize the work described in this application. I certify that this information in this application is complete and accurate. I further certify that I possess the authority to undertake the work described herein or am acting as the duly authorized agent of the applicant.

SIGNATURE OF APPLICANT	DATE	SIGNATURE OF AGENT	DATE
		HARPER MARSHALL KEVIN 1536114 Digitally signed by HARPER MARSHALL KEVIN 1536114 Date: 2019.08.07 12:00:24 -05'00'	2019-08-07

The Application must be signed by the person who desires to undertake the proposed activity (applicant) or it may be signed by a duly authorized agent if the statement in block 11 has been filled out and signed.

18 U.S.C. Section 1001 provides that: Whoever, in any manner within the jurisdiction of any department or agency of the United States knowingly and willfully falsifies, conceals, or covers up any trick, scheme, or disguises a material fact or makes any false, fictitious or fraudulent statements or representations or makes or uses any false writing or document knowing same to contain any false, fictitious or fraudulent statements or entry, shall be fined not more than $10,000 or imprisoned not more than five years or both.

ATTACHMENT 1

BBA 18 MITIGATION FOR CONSTRUCTION PROJECTS WESTSHORE LAKE PONTCHARTRAIN, COMITE DIVERSION, AND EAST BATON ROUGE FLOOD RISK MANAGEMENT

INFORMATION FOR CLEAN WATER ACT SECTION 401 WATER QUALITY CERTIFICATION APPLICATION

1. INTRODUCTION

The U.S. Army Corps of Engineers (USACE), Mississippi Valley Division, New Orleans District (CEMVN), is proposing to provide compensatory mitigation for the impacts associated with construction of the Westshore Lake Pontchartrain (WSLP), Comite Diversion, and East Baton Rouge (EBR) Flood Risk Management projects; collectively known as the BBA (Bipartisan Budget Act) Construction Projects. The proposed mitigation project is referred to as the BBA Mitigation Project. The mitigation need for each of the cited USACE construction projects is based on the existing approved action for each of them and captures the worst-case scenario for their implementation (includes contingencies to ensure full satisfaction of mitigation requirements).

Currently, the mitigation needs for the cited construction projects' impacts to swamp and wet bottomland hardwoods (BLH-wet) have been estimated as indicated in Table 1 below. Impacts are expressed in Average Annual Habitat Units (AAHUs) lost as a result of construction impacts to the specified habitat type. Note that the impact values indicated represent the maximum anticipated that require mitigation via the BBA Mitigation Plan. As BBA construction project designs are refined, these values may decrease.

Table 1. Impacts to BLH-Wet and swamp habitats estimated for the BBA Construction projects.

Project	BLH-Wet Impacts AAHUs	Swamp Impacts AAHUs
WSLP	87	1,504
Comite Diversion	319	0
EBR	383	0
Totals	**789**	**1,504**

Tentatively selected mitigation projects (TSPs) by habitat type (e.g. BLH-Wet or swamp) were combined like building blocks to form the Tentatively Selected Alternative (TSA) for the BBA Mitigation Plan. Table 2 below lists the mitigation projects (TSPs; mitigation sites) that comprise the TSA. These include, when counting mitigation banks; (A) 9 BLH-Wet mitigation projects, 7 of which would be USACE constructed mitigation projects, and (B); 7 swamp mitigation projects. Table 2 also lists 9 BLH-Wet mitigation projects that are not elements of the TSA, but were selected as potential USACE constructed mitigation projects that could be used if necessary if the BLH-Wet mitigation projects selected for the TSA were unable to fully satisfy the BLH-Wet mitigation requirements for some reason. Figure 1A shows the approximate location of each of the potential USACE constructed mitigation projects. All figures cited herein are provided in Attachment 2.

Table 2. Tentatively selected mitigation projects comprising the Tentatively Selected Alternative for the BBA Mitigation Plan and potential "fall-back" BLH-wet mitigation projects.

MITIGATION PROJECT	SITE ID	DRAINAGE BASIN
BLH-WET, INSIDE LP BASIN AND COASTAL ZONE*		
Mitigation Bank(s)	n/a	Lake Pontchartrain
ASCENSION SB	P6	Lake Pontchartrain
SAINT JOHN	P3	Lake Pontchartrain

Attachment 1 – BBA Mitigation Project Information

MITIGATION PROJECT	SITE ID	DRAINAGE BASIN
GRAVITY	P5	Lake Pontchartrain
SWAMP, INSIDE COASTAL ZONE*		
Mitigation Bank(s)	n/a	variable
PINE ISLAND	P1	Lake Pontchartrain
JOYCE WMA	P14	Lake Pontchartrain
BAYOU VISTA	A6	Atchafalaya
ALBANIA NORTH	V1	Vermillion-Teche
ALBANIA SOUTH	V2	Vermillion-Teche
COTE BLANCHE	V3	Vermillion-Teche
BLH-WET, INSIDE LP BASIN BUT OUTSIDE COASTAL ZONE*		
Mitigation Bank(s)	n/a	Lake Pontchartrain
FELICIANA	P12	Lake Pontchartrain
GBRPC	P10	Lake Pontchartrain
AMITE	P15	Lake Pontchartrain
SAINT JAMES	P2	Lake Pontchartrain
OTHER BLH-WET, OUTSIDE LP BASIN		
SUNSET RIDGE	B1	Barataria
PORT ALLEN	T1	Terrebonne
TPSB	T2	Terrebonne
ROSEDALE	T3	Terrebonne
INNIS	A1	Atchafalaya
KROTZ	A3	Atchafalaya
ALBANIA NORTH	V1	Vermillion-Teche
ALBANIA SOUTH	V2	Vermillion-Teche
COTE BLANCHE	V3	Vermillion-Teche

* All mitigation sites/projects listed within the categories marked with an asterisk are elements of the Tentatively Selected Alternative

LP Basin = Lake Pontchartrain Basin

The number of in-kind credits that will be available for purchase from an authorized mitigation bank at the time of implementing the BBA Mitigation Plan (BBA Mitigation Project) is unknown. The availability of numerous credits in a particular habitat category (BLH-Wet or swamp) could mean that one or more of the USACE constructed mitigation projects in that category would not need to be implemented (as long as the cost of bank credits did not exceed the cost of the USACE constructed project(s)). In terms of mitigating BLH-Wet impacts, it is also feasible that mitigation bank credits would be lacking and one or more of the BLH-Wet mitigation projects comprising the TSA turn out to be non-viable (ex. land owner may not want to convey the property to USACE). In such a case, one or more of the BLH-Wet mitigation projects that do not comprise the TSA would have to be used to satisfy mitigation requirements.

Given the above possiblities, CEMVN is requesting that LDEQ provides Clean Water Act Section 401 Water Quality Certification (WQC) for <u>all</u> of the mitigation projects listed in Table 2, excluding mitigation banks. This certainly does not mean that USACE intends to implement all the USACE constructed mitigation projects listed in Table 2. However, CEMVN needs to retain the flexibility of being able to implement any of these projects as necessary to fully compensate (mitigate) for impacts to BLH-Wet and swamp habitats generated by the BBA Construction Projects that have thus far not been mitigated.

2. BBA MITIGATION PROJECTS AND THEIR IMPACTS TO WATER QUALITY & WATERS OF THE UNITED STATES

2.1 Grouping of Mitigation Projects

The potential BBA mitigation projects (mitigation sites) can be grouped into four mitigation categories based on the existing conditions at each site and the nature of the mitigation activities anticipated. Figures 1 through 19 (see Attachment 2) depict each of the 19 mitigation projects. Table 3 lists each mitatigation project and assisigns each project to one of the four categories. For each project, this table also indicates the approximate total acreage encompassed by anticipated property boundaries, the approximate total acreage occupied by mitigation areas within each site (e.g. the areas that would be converted to BLH-Wet and/or Swamp habitat and thus function as the actual mitigation features), and the estimated total acres within the mitigation areas that would have to be excavated (degraded) to achieve the desired wetland hydroperiod. Note that the property boundaries for a particular mitigation site could change substantially compared to those currently estimated. Such changes would obviously change the total property acreage indicated in Table 3.

Table 3. Potential BBA mitigation projects: classification by mitigation "category", total property acreage, total acreage of mitigation areas within the property, and total acreage of areas that would be degraded within the mitigation areas.

Mitigation Project (Site)	Mitigation Category	Total Property (Total Acres)	Mitigation Area(s) (Total Acres)	Excavation/Degrading Areas (Total Acres within Mitigation Areas)
St. John	A	105	95	95
Gravity	A	89	75	24
Feliciana	A	314	267	235
GBRPC	A	160	135	6
St. James	A	1,353	1,245	510
Innis	A	142	130	125
TPSB	A	576	484	484
Rosedale	A	250	224	224
Port Allen	A	105	89	89
Sunset Ridge	A	431	324	75
Albania South	A	207	192	111
Albania North	A	1,016	964	332
Cote Blanche	A	496	446	167
Bayou Vista	A	77	41	41
Ascension SB	B	63	56	0
Krotz	B	171	147	0
Joyce WMA	C	1,125	1,125	0
Amite	D	596	369	134
Pine Island	E	2,399	1,964	0

A. Conversion of agricultural lands to forested wetlands, with lowering of existing soil surface elevations

B. Conversion of agricultural and managed lands to forested wetlands, without lowering of existing soil surface elevations

C. Enhancement of forested wetlands

D. Conversion of mined lands to forested wetlands

E. Conversion of open water areas to forested wetlands

2.2 Conversion of Agricultural Lands to Forested Wetlands, with Lowering of Existing Soil Surface Elevations

As inidicated in Table 3, fourteen of the 19 potential mitigation projects (mitigation sites) would involve conversion of upland agricultural field areas to BLH-Wet and/or swamp habitats (mitigation areas), with this conversion first requiring lowering of the existing soil surface elevations (e.g. degrading/excavating of fields) to help ensure a suitable wetland hydroperiod. Earthwork would primarily involve degrading the fields where necessary, lowering the soil surface by roughly 0.5 to 1.0 foot in most cases. Some of the excavated topsoil would be used within the mitigation areas to fill drainage ditches and level the fields where necessary. However, most of this soil would be hauled off-site by the construction contractor to a USACE-approved upland disposal site. Earthwork activities would also include: filling existing drainage ditches within mitigation areas, as long as this does not adversely affect off-site drainage; removal or gapping of existing on-site agricultural berms that block desirable stormwater sheetflow, as long as this does not adversely affect water levels in off-site lands; clearing and grubbing fields; final tillage of the mitigation areas; establishment of on-site dirt roadways around the perimeter of mitigation areas and/or through some mitigation areas for access and maintenance purposes; establishment of a temporary on-site construction staging area. After completion of all earthwork, the mitigation areas would be planted with native canopy and midstory species typical of the desired target habitat (e.g. BLH-Wet habitat and/or swamp habitat).

Prior to starting project construction at a given mitigation site, the construction contractor would be required to submit a Stormwater Pollution Prevention Plan (SWPPP) to USACE for approval. The contractor would then be required to apply for and obtain a Louisiana Pollutant Discharge Elimination System (LPDES) General Permit No. LAR10000 (Storm Water Discharges from Constructon Activities of 5 acres or more) from the Louisiana Department of Environmental Quality (LDEQ), with the application including the SWPPP. Following issuance of the LPDES General Permit, the contractor would be required to adhere to the permitted SWPPP and to all applicable permit conditions.

All the projects in this mitigation category would have no direct impacts to jurisdictional Waters of the United States (WOTUS), including navigable waters. The projects would not include any discharge of fill material into WOTUS. Project earthwork activities would likely generate turbid stormwater runoff. However, such temporary water quality impacts would be minimized by adherence to the LPDES General Permit and the SWPPP for each project. In the long term, any of the proposed projects in this category should help improve water quality since agricultural practices that can adversely affect water quality would be abandoned and the mitigation habitats would be more effective at water quality treatment.

2.3 Conversion of Agricultural & Managed Lands to Forested Wetlands, Without Lowering of Existing Soil Surface Elevations

As inidicated in Table 3, two of the 19 potential mitigation projects (mitigation sites) would involve conversion of upland agricultural field areas (at Ascension mitigation site) and managed wetland field areas (at Krotz mitigation site) to BLH-Wet habitats (mitigation areas), but would not require requiring lowering of the existing soil surface elevations to help ensure a suitable wetland hydroperiod. These projects would essentially involve the same activities as those discussed in Section 2.2 above, with the exception of the removal and transport of topsoil to establish desired elevations.

These two project would also have no direct impacts to WOTUS, including navigable waters. They would not include any discharge of fill material into WOTUS. Temporary project impacts to water quality would be the same as those discussed in Section 2.2 and would be mitigated in the same manner as discussed in Section 2.2. Long-term water quality effects would likely be beneficial compared to existing conditions.

2.4. Enhancement of Forested Wetlands

Proposed mitigation at the Joyce WMA mitigation site would only involve the planting of native canopy and midstory plants typical of swamp habitats within the three mitigation areas (see Figure 18). Plantings would be made in existing wetland areas that have overly sparse densities of swamp trees and shrubs. Mitigation work would not include any discharge of fill material into WOTUS. Any temporary impacts to water quality within these existing wetlands would be minimal.

2.5. Conversion of Mined Lands to Forested Wetlands

Only the Amite mitigation sites (see Figures 7A through 7F) would involve conversion of lands disturbed by previous sand and gravel mining to native BLH-wet forests. The process involved in making this conversion would be similar to that described in Section 2.2. Earthwork in portions of most mitigation areas would include removing (excavating; degrading) spoil material (sand, other sediments, gravel) to lower the soil surface elevation sufficiently to help ensure an adequate wetland hydroperiod. Unlike the category of projects covered in Section 2.2 however, the majority of the spoil material excavated would be disposed into remnant man-made mining pit lakes situated near the mitigation areas. Table 4 lists the approximate total acres of mine pit lakes that would be filled at each mitigation site and the approximate total cubic yards of fille that would disposed within these mine pit lakes. Note that material excavated (removed) from mitigation site AM3 would be disposed in the mine pit lake disposal areas at mitigation site AM5.

Table 4. Fill disposal proposed in mine pit lakes adjacent to the listed Amite mitigation sites.

Mitigation Site	Fill Disposal in Mine Pit Lakes	
	Total Acres	Total Cubic Yards
AM1	14.8	263,941
AM2	11.0	62,275
AM4	13.3	203,925
AM5	24.2	435,681
AM6	18.6	206,345
Grand Totals	**81.8**	**1,172,167**

CEMVN has determined that none of the 7 mine pit lakes into which spoil (fill) would be disposed classify as jurisdictional WOTUS and thus are not subject to water quality certification requirements. During project construction, it is anticipated that turbidity would increase in stormwater runoff within the various mitigation areas. Turbidity would also temporarily increase in the mine pit lakes where excavated spoil is disposed. These temporary impacts would be reduced by adherence to the SWMPPP and LPDES General Permit issued for the overall Amite mitigation project.

2.6 Conversion of Open Water Areas to Forested Wetlands

Only the Pine Island mitigation site (see Figure 17 and Sheets C-01 and C-02 in Attachment 2) would involve conversion of open water areas to forested swamp wetland habitats. Eight different mitigation areas would first be filled to establish soil platforms on which to plant native swamp canopy and midstory species.

Containment dikes would first be built around the perimeter of each mitigation area. These dikes would have a crest elevation of 5.0 feet NAVD88 with a 5-feet wide crown. Existing material (sediment) would be excavated from within each mitigation area to construct the containment dikes. Following dike construction, a

cutterhead dredge would would dredge sediments from within the proposed 2,238-acre borrow site established in Lake Pontchartrain and pump this dredged material from the borrow site into the mitigation areas via temporary pipelines. The initial elevation for the dredge fill would be approximately 2.5 feet NAVD88, with the goal of this material settling to the final target elevation of 2.0 feet. The maximum allowable dredging depth within the borrow site would be -20 feet NAVD88 plus a 1-foot allowable overdepth to account for inaccuracies in the dredging process. It estimated that the total volume of sediment dredged from the lake would be approximately 16,401,310 cubic yards or less.

After the mitigation areas are filled, they would be allowed to settle for roughly 1 year. The perimeter dikes would then be degraded to equal the finish grade in the mitigaiton areas, with the degraded material placed back into the mitigation areas. Finally, the mitigation areas would be planted with native canopy and midstory species typical of swamp habitat.

The lake shoreline adjacent to the southern boundary of mitigation area 8 would be protected by placing riprap along the shoreline. This would help protect the mitigation area from shoreline erosion effects. The stone riprap area would be approximately 2,420 feet long by 17 feet wide by 2 feet thick, with the riprap underlain by geotextile fabric. The stone would be placed from the along the southern mitigation area boundary at approximately elevation 4.5 feet NAVD88 and slope down to approximately elevation 0.0 feet NAVD in the lake. Approximately 2,940 cubic yards of stone would be required and and would be transported and placed via barge.

The listed species Gulf sturgeon, West Indian manatee, green sea turtle, Kemp's Ridley sea turtle, and loggerhead sea turtle have the potential to occur in Lake Pontchartrain. Standard protection measures and construction conditions for manatees and Gulf sturgeon prescribed by US Fish and Wildlife Service would be implemented by the construction contractor during dredging operations and construction of the shoreline protection. Sea turtle and smalltooth sawfish construction conditions prescribed by National Marine Fisheries Services would also be followed by the construction contractor.

The eight mitigation areas and Lake Pontchartrain classify as jurisdictional WOTUS. Table 5 lists the WOTUS areas where fill would be discharged, the extent of this fill in each area, and the approximate quantity of fill that would be discharged in each area. All of the fill in the mitigation areas would be sediments excavated from within the mitigation areas themselves (for containment dikes) and dredged from Lake Pontchartrain. The fill in the shoreline protection area would be clean stone riprap.

Table 5. Fill proposed in Waters of the United States as part of the Pine Island mitigation project.

Mitigation Area (Sediment Fill)	Fill Area (Acres)	Fill Quantity (Cubic Yards)
1	218	1,809,900
2	262	2,205,053
3	524	4,257,765
4	226	1,900,702
5	72	625,541
6	337	2,756,592
7	142	1,196,595
8	184	1,649,163
Total Sediment Fill	***1,965***	***16,401,310***
Shoreline Protection Rip-Rap Fill	< 1	2,940
Total Fill in WOTUS	**1,966**	**16,404,250**

Adverse water quality impacts should be relatively temporary and mainly limited to the period of initial construction. The primary effect would be increased turbidity within the mitigation areas and, to a lesser degree, within small marsh areas imediately adjacent to the mitigation areas. Adverse temporary water quality impacts in these areas would be minimized by requiring the contractor to adhere to the SWPPP and the LPDES Construction General permit for the project. Dredging in Lake Pontchartrain would temporarily increase turbidity in the lake within and near the borrow site, and could also temporarily decrease dissolved oxygen concentrations. NMFS may require that the lake borrow site be monitored for dissolved oxygen levels or other parameters after the project dredging is completed. CEMVN would have such monitoring conducted if required. In the long term, water quality in the forested mitigation areas should improve somewhat compared to existing conditions. Restoration of the soil and vegetation once present in the mitigation areas would provide improved water quality treatment compared to open water conditions.

Note that all of the 8 mitigation areas filled (total of 1,965 acres) would be converted from open water areas to forested wetlands. Thus, the affected mitigation areas would still remain jurisdictional WOTUS upon completion of the mitigation work. While the proposed shoreline protection would place riprap in a portion of the wetland fringe of Lake Pontchartrain and in the lake itself, most of the affected area in the lake would remain jurisdictional WOTUS.

ATTACHMENT 2

BBA 18 MITIGATION FOR CONSTRUCTION PROJECTS WESTSHORE LAKE PONTCHARTRAIN, COMITE DIVERSION, AND EAST BATON ROUGE FLOOD RISK MANAGEMENT

FIGURES FOR CLEAN WATER ACT SECTION 401 WATER QUALITY CERTIFICATION APPLICATION

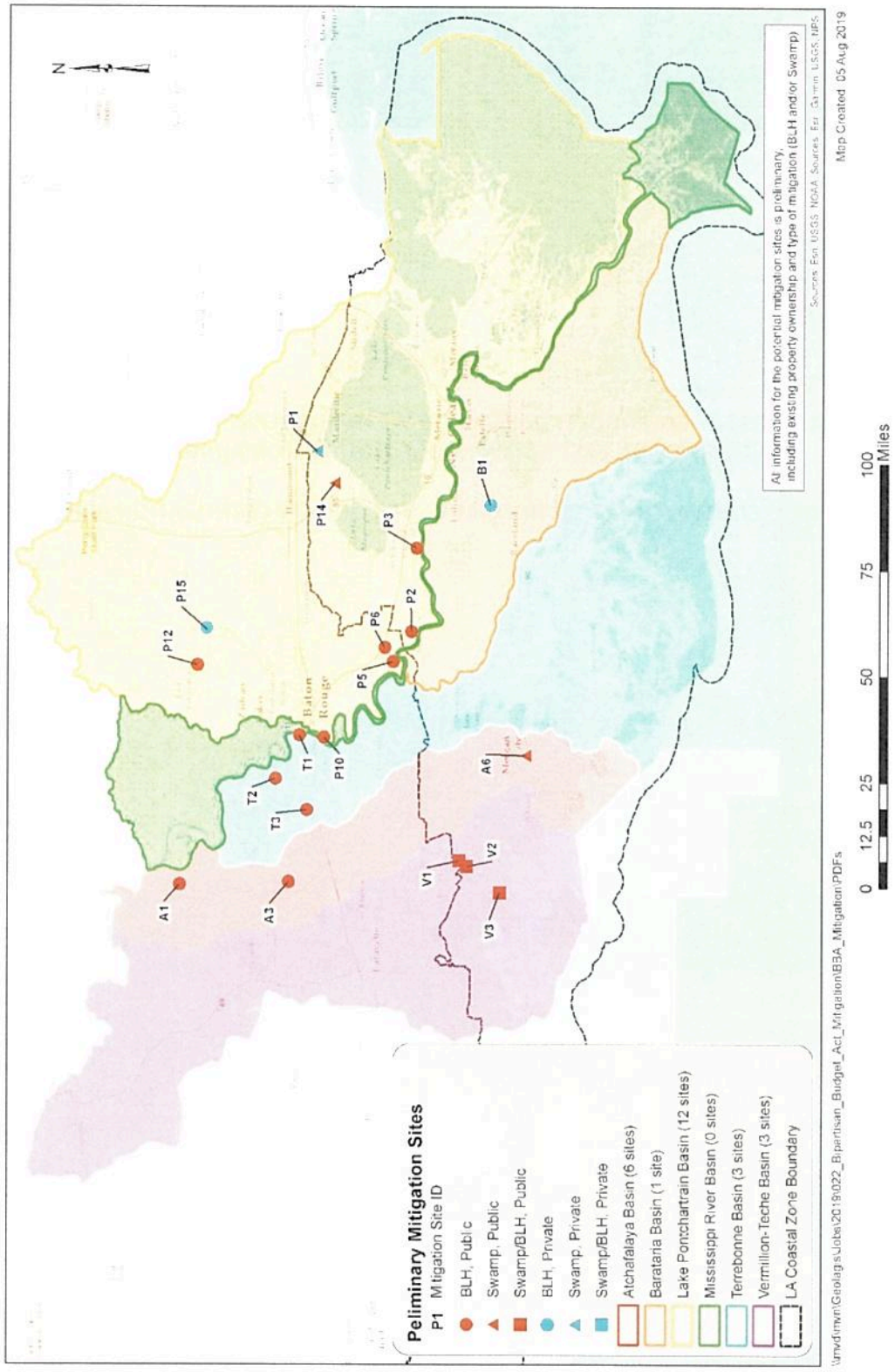


Figure 1A. Approximate location of the potential BBA mitigation projects/sites.

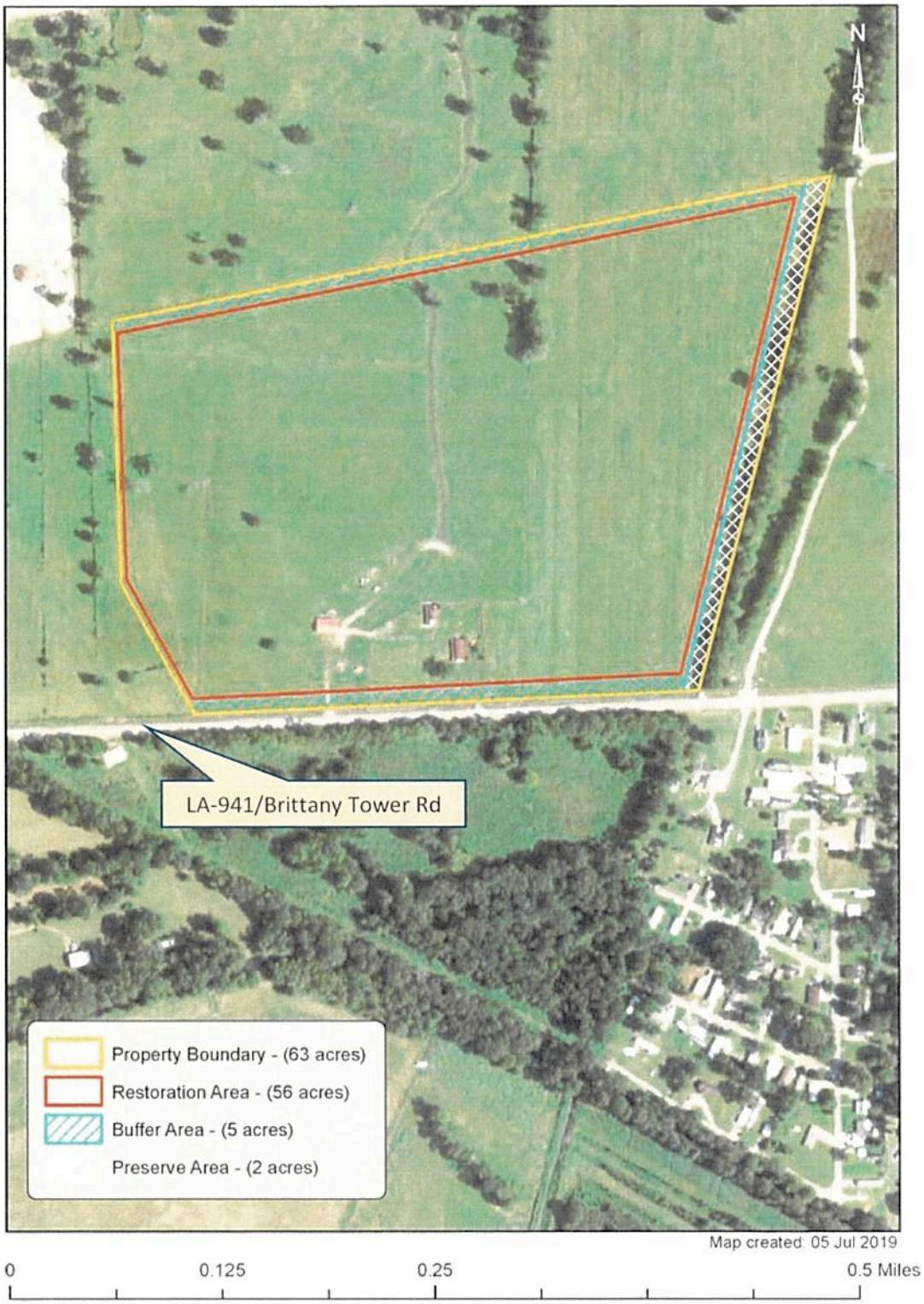


Figure 1. Proposed Ascension SB Mitigation Site (BLH-Wet restoration).

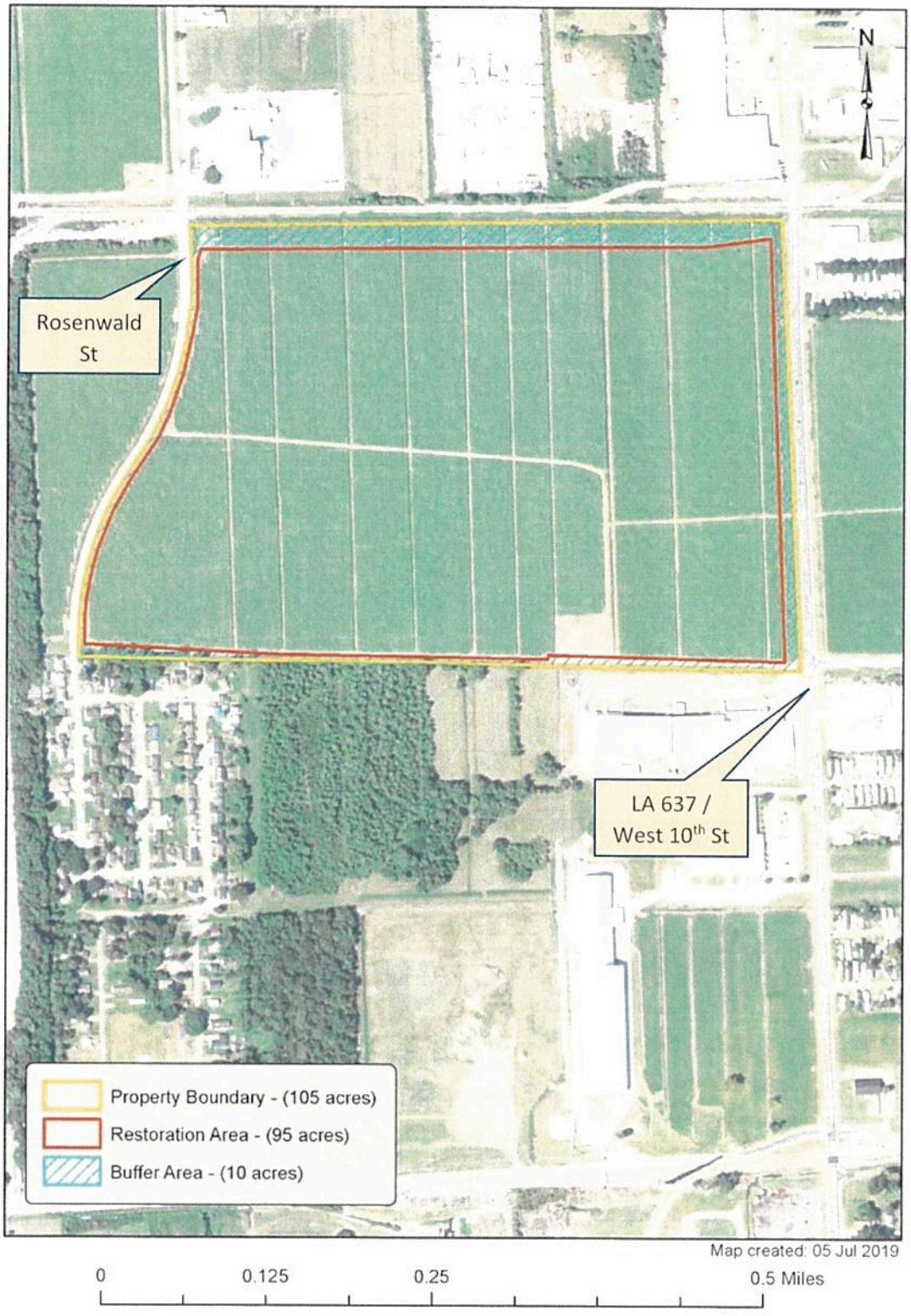


Figure 2. Proposed Saint John Mitigation Site (BLH-Wet restoration).

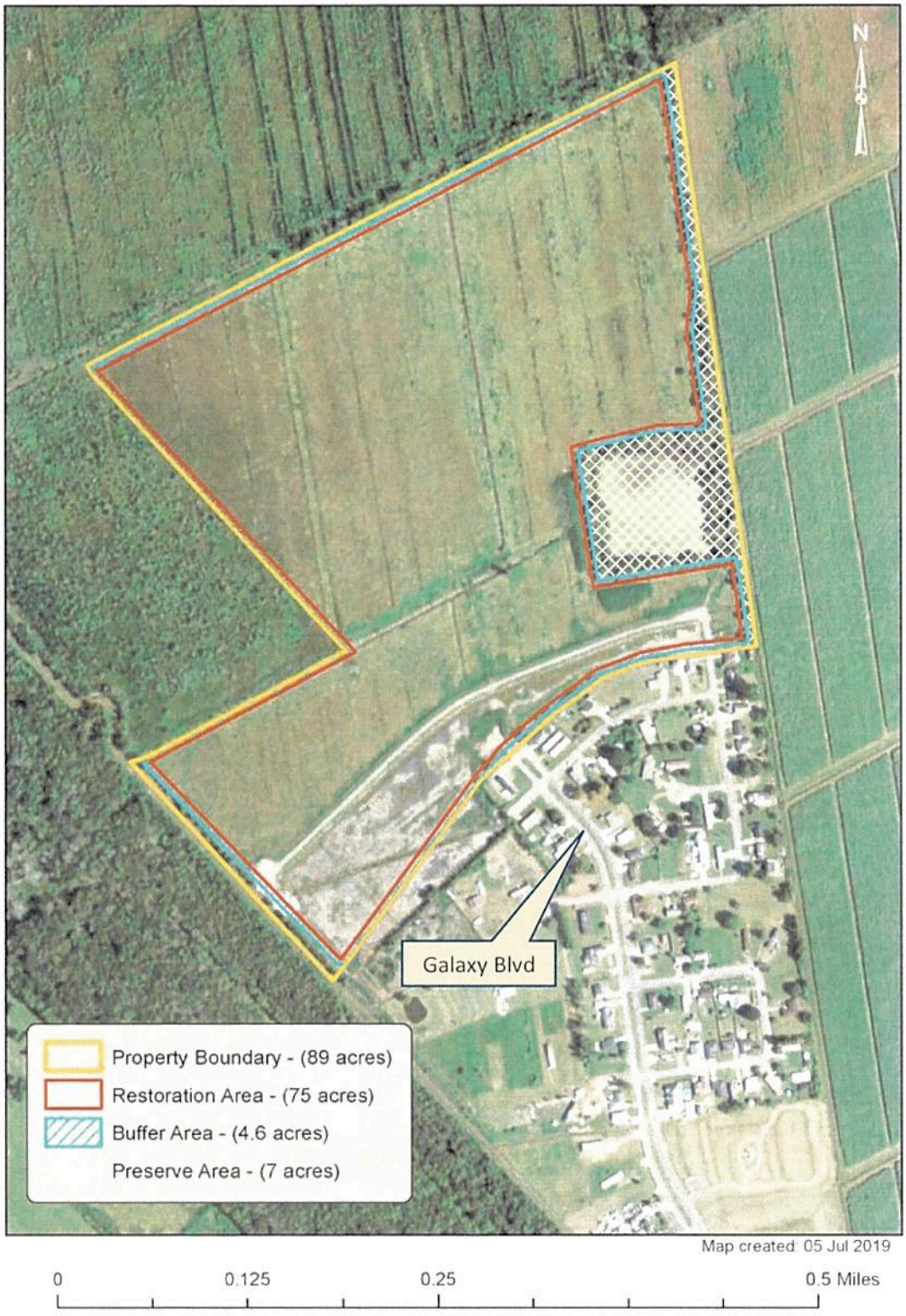


Figure 3. Proposed Gravity Mitigation Site (BLH-Wet restoration).

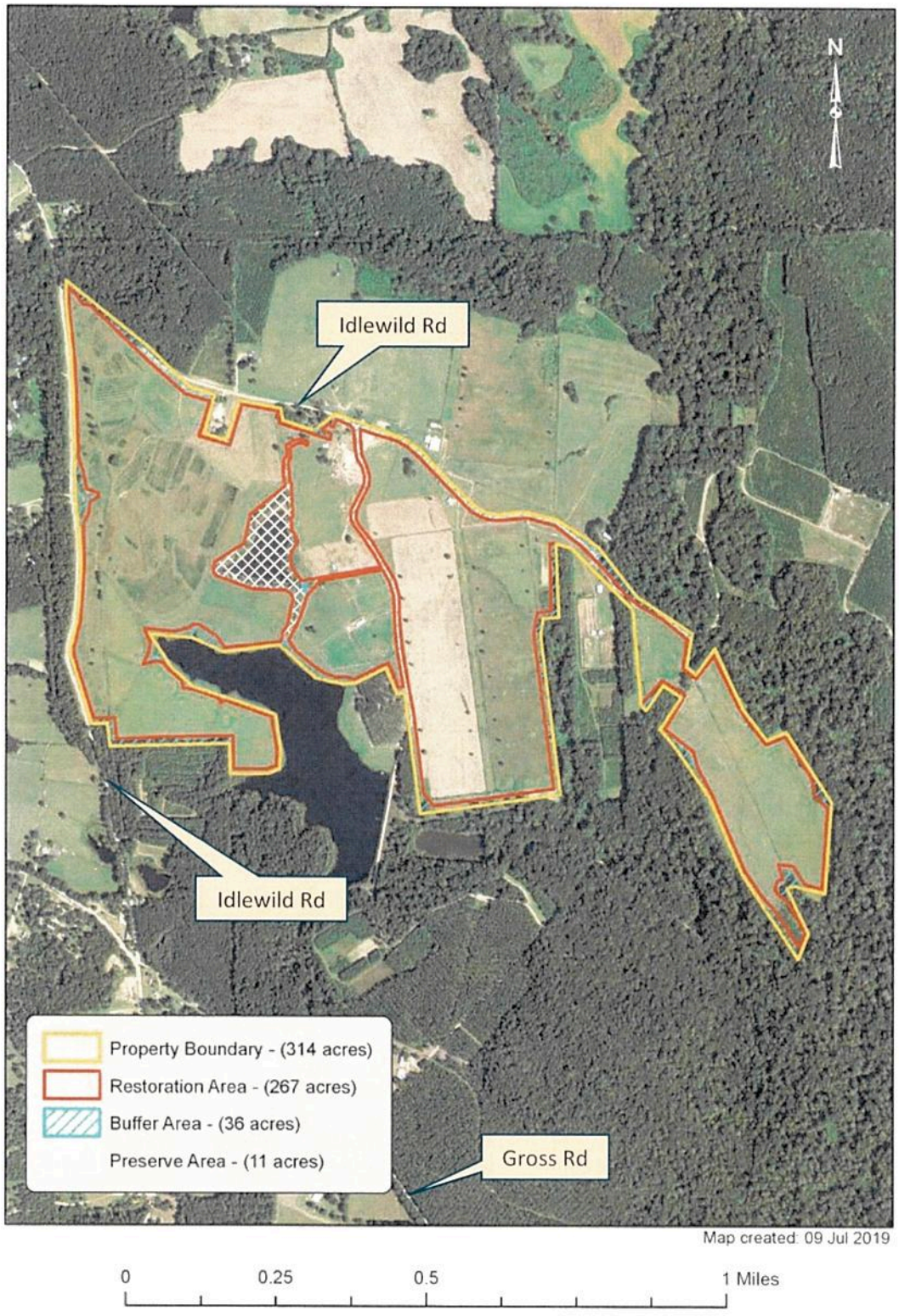


Figure 4. Proposed Feliciana Mitigation Site (BLH-Wet restoration).

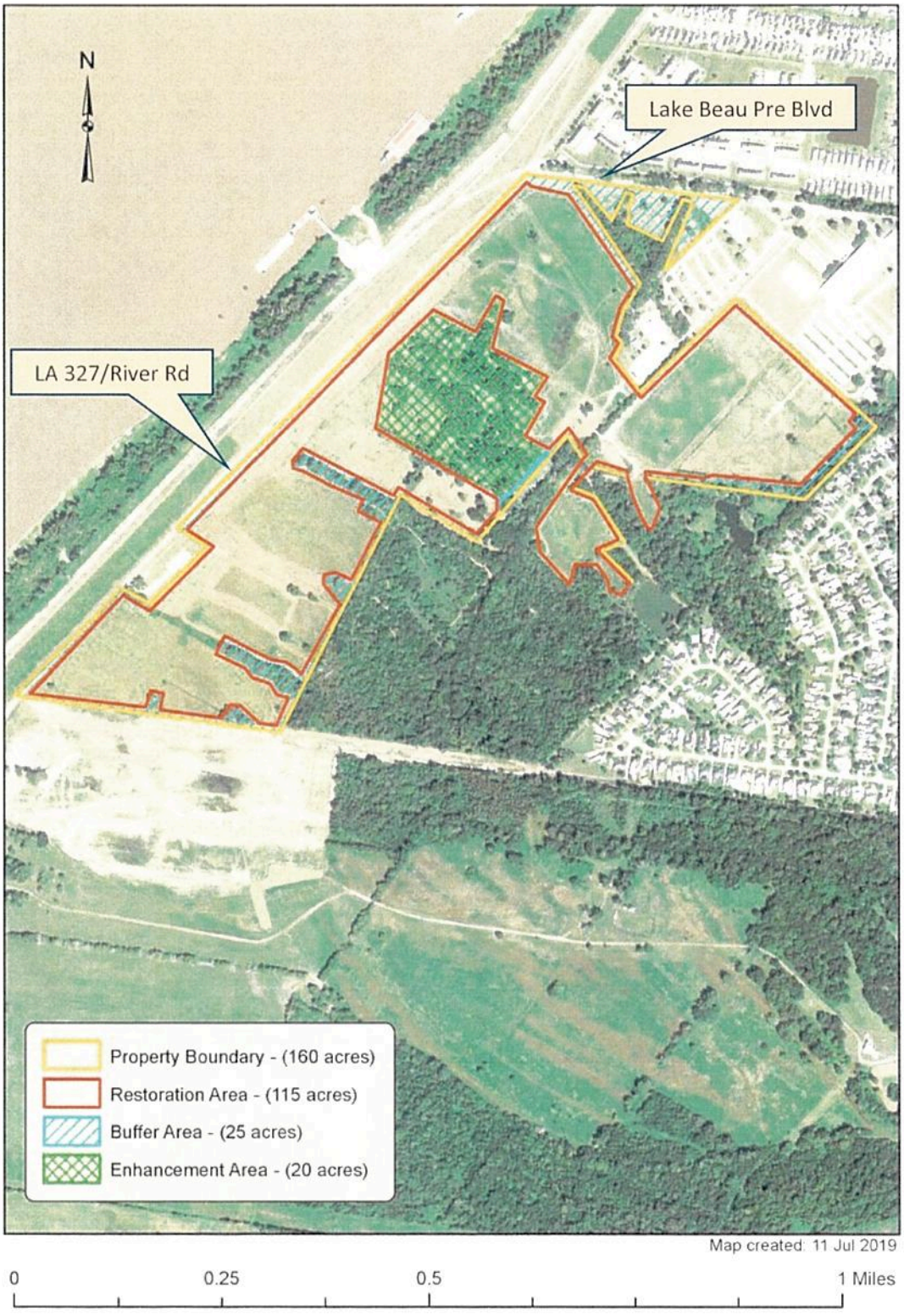


Figure 5. Proposed GBRPC Mitigation Site (BLH-Wet restoration).

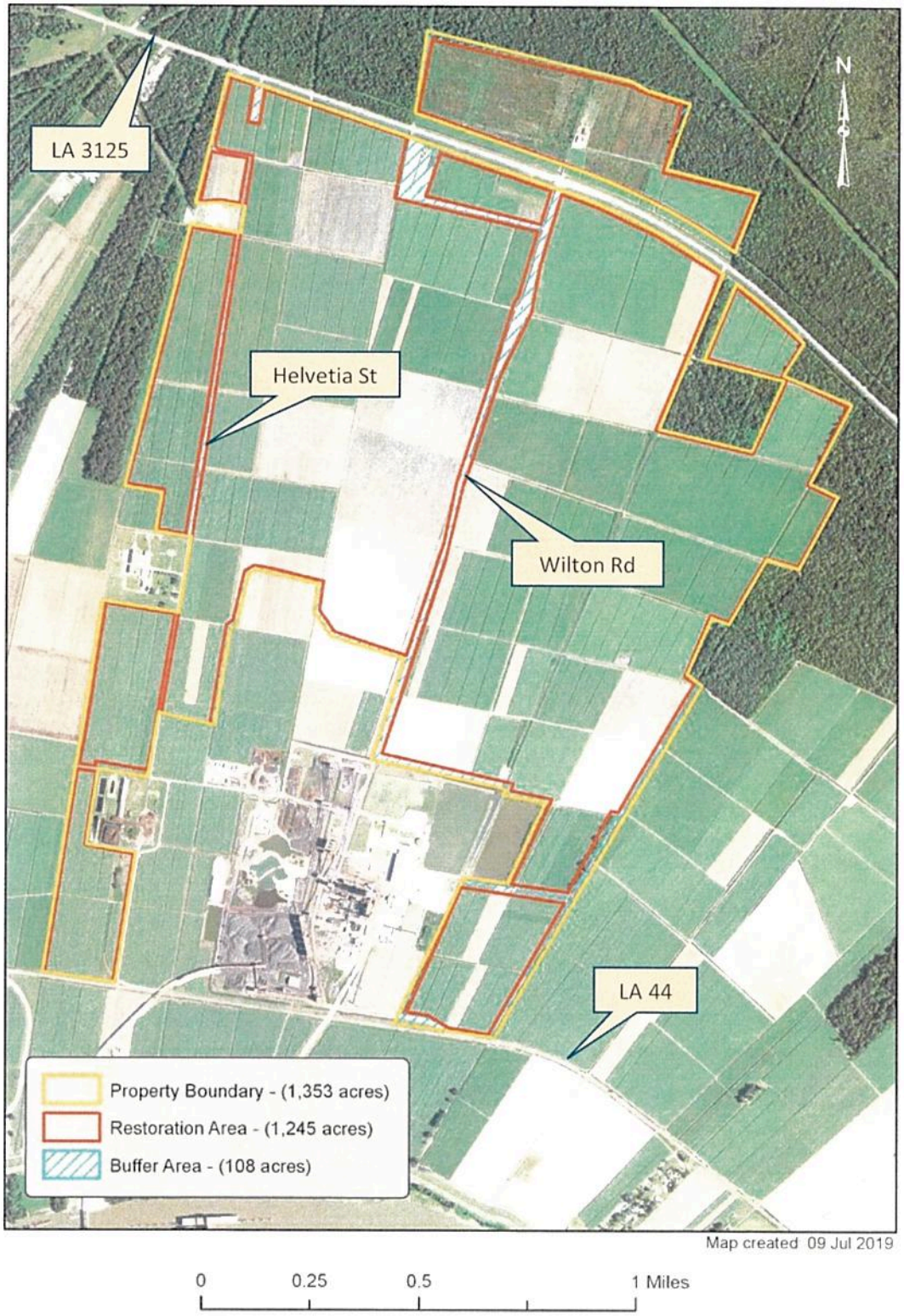


Figure 6. Proposed Saint James Mitigation Site (BLH-Wet restoration).

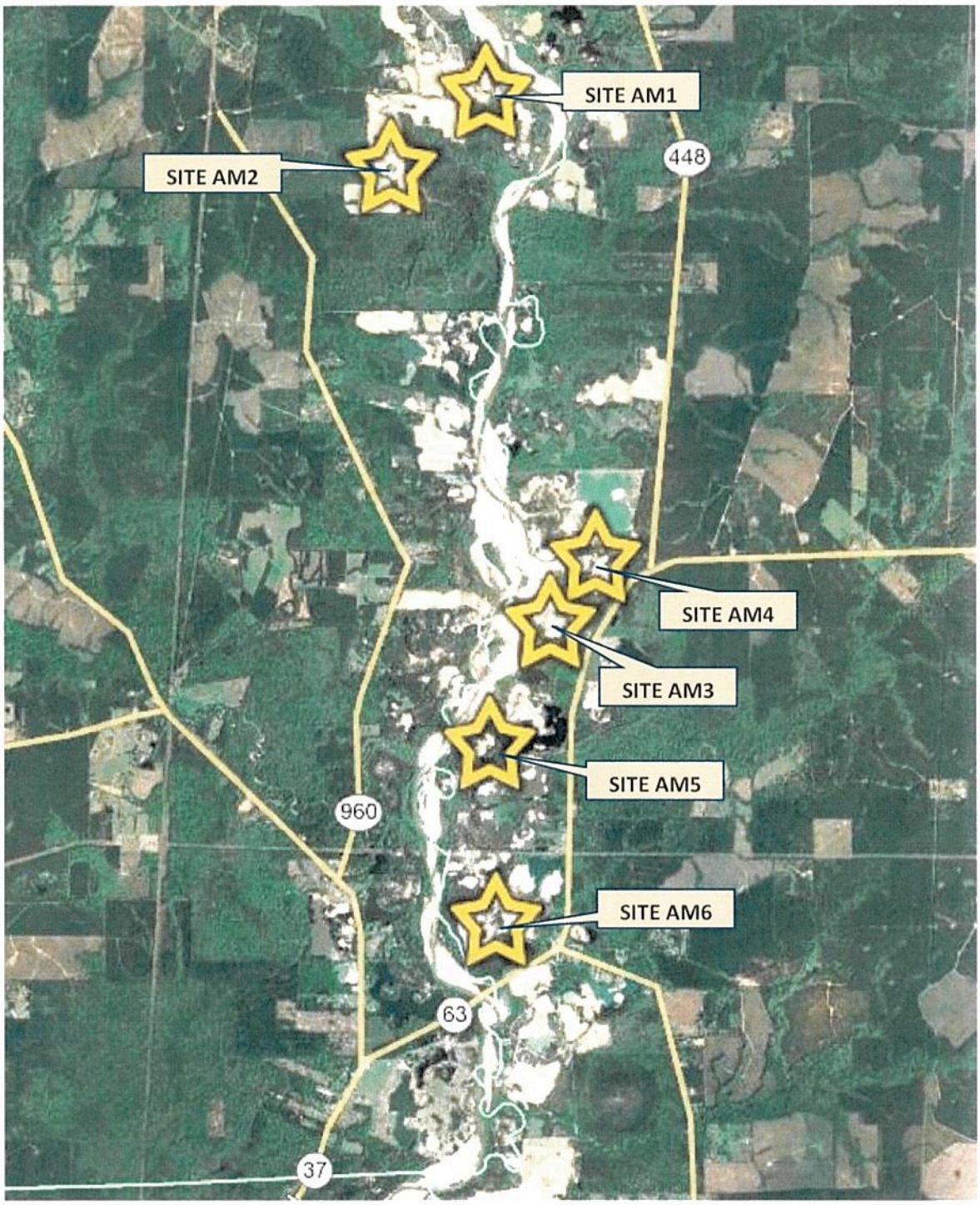


Figure 7. Proposed Amite Mitigation Sites (BLH-Wet creation/restoration) – Location Map

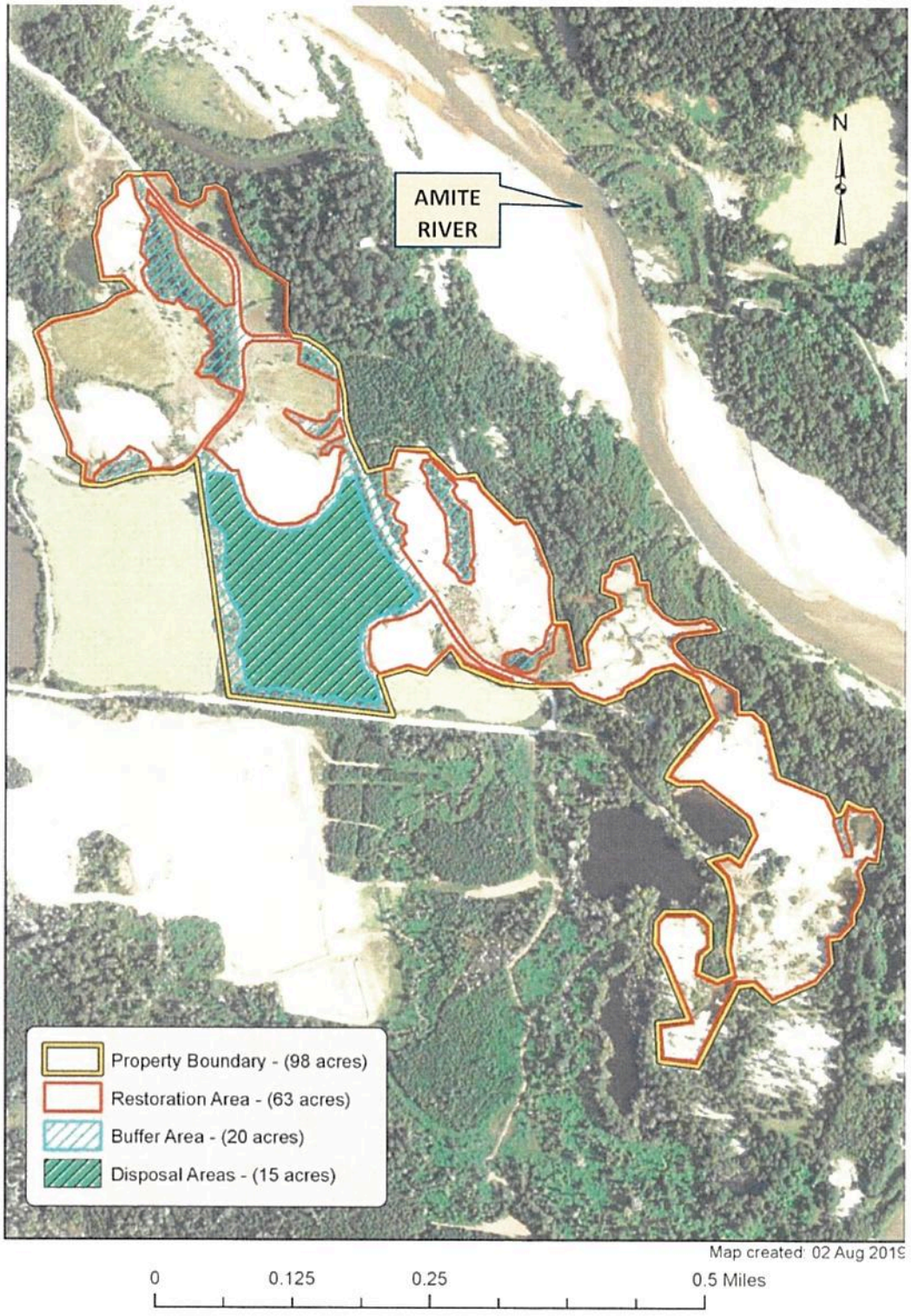


Figure 7A. Proposed Amite Mitigation Site AM1.

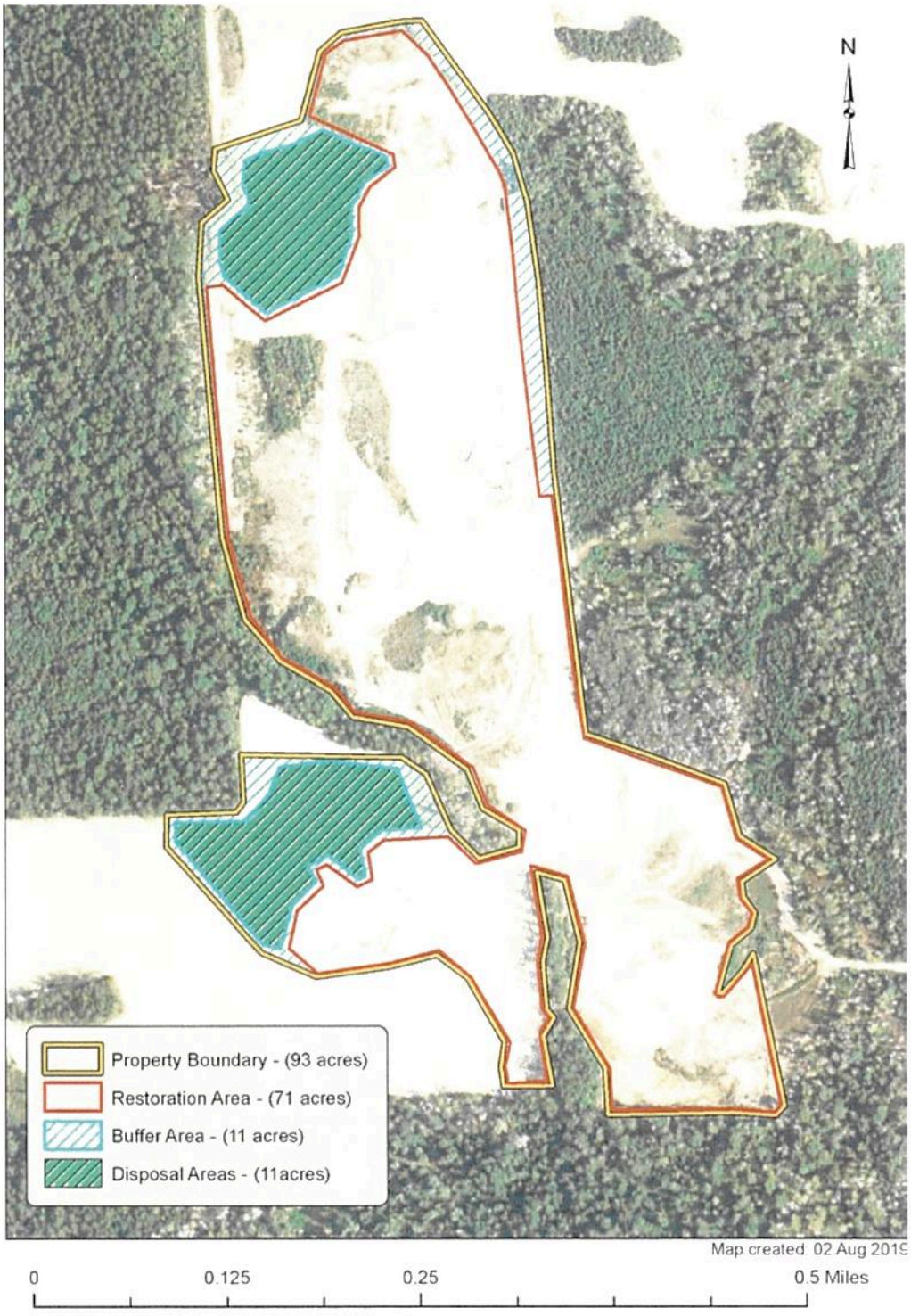


Figure 7B. Proposed Amite Mitigation Site AM2.

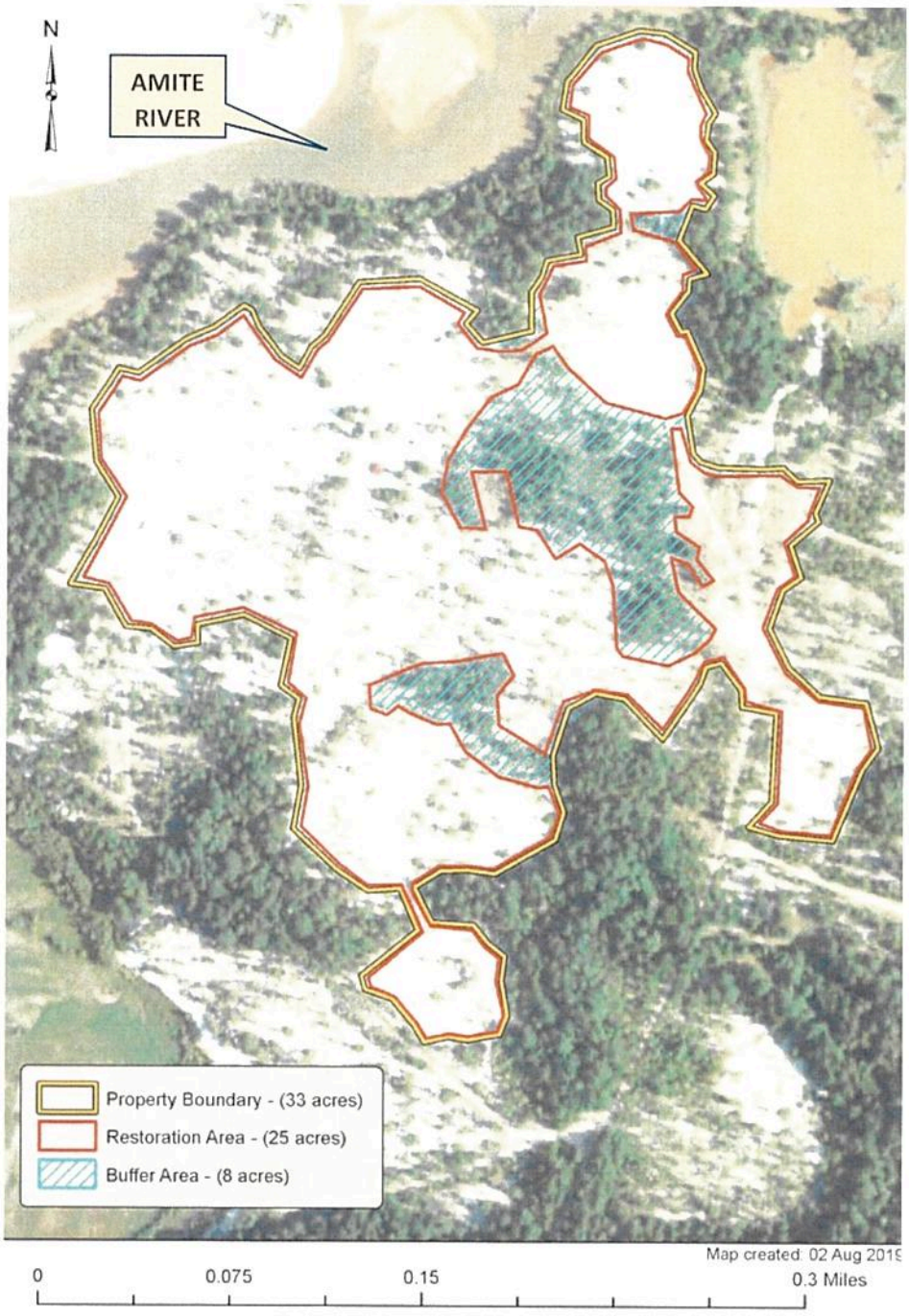


Figure 7C. Proposed Amite Mitigation Site AM3.

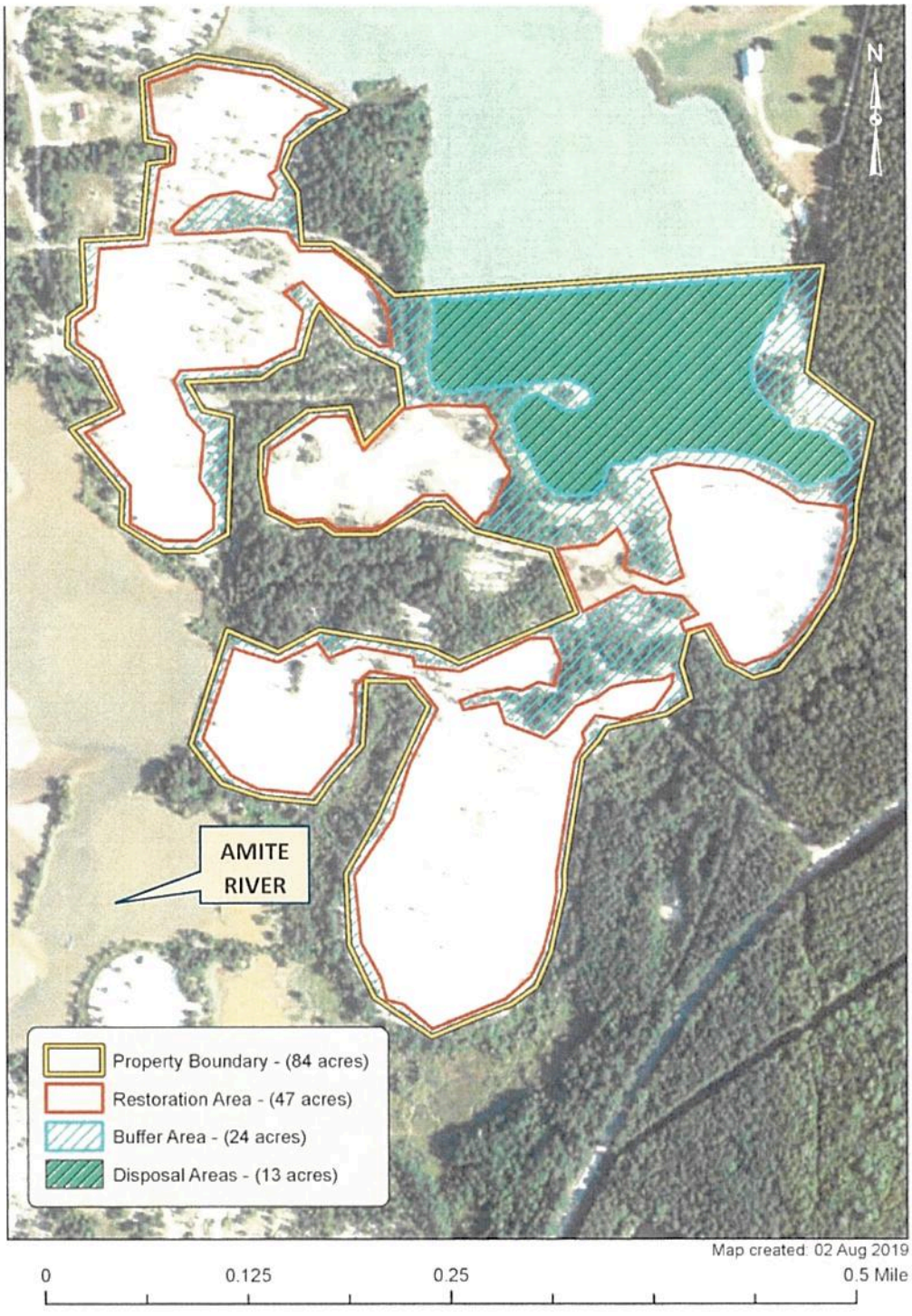


Figure 7D. Proposed Amite Mitigation Site AM4.

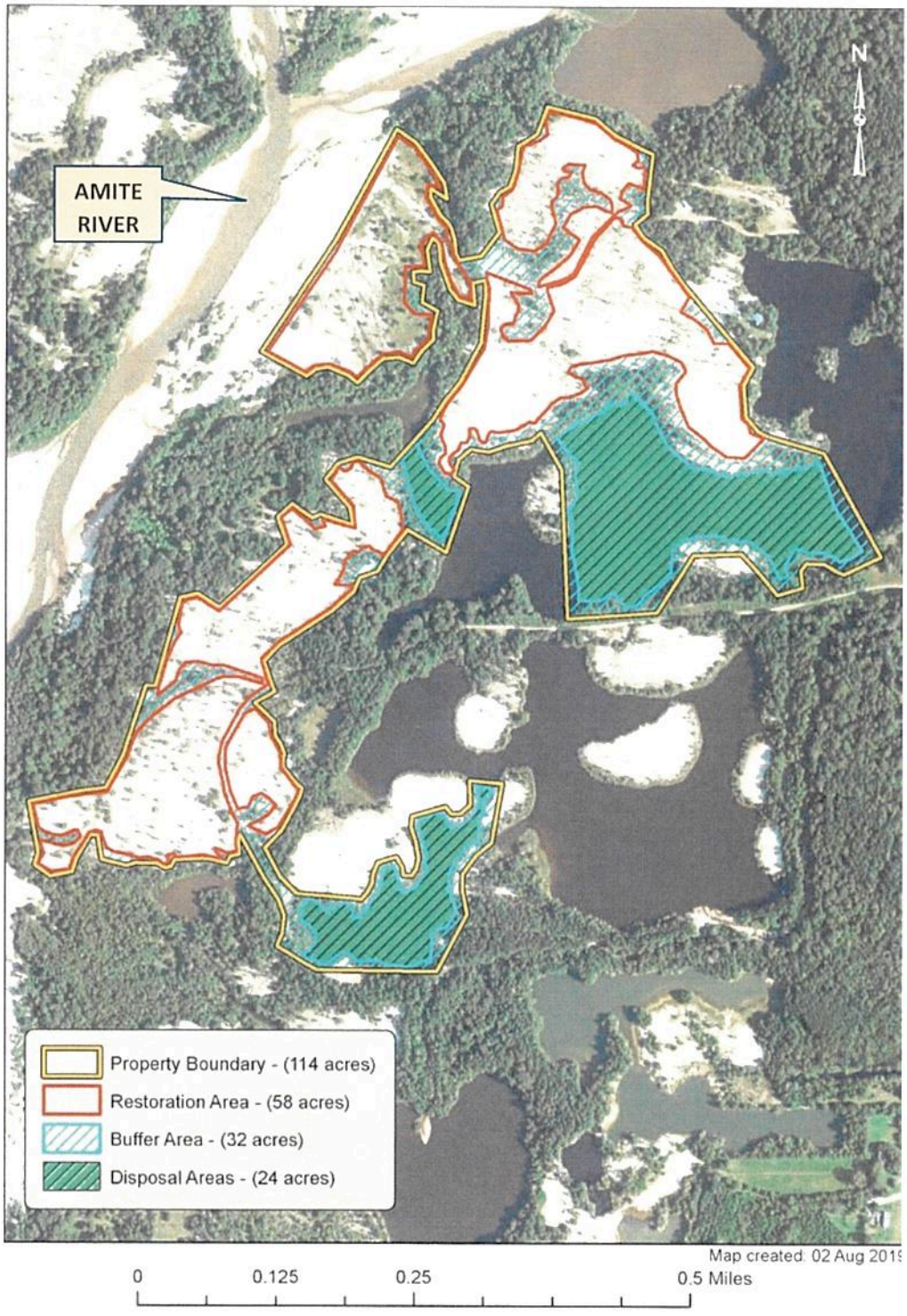


Figure 7E. Proposed Amite Mitigation Site AM5.

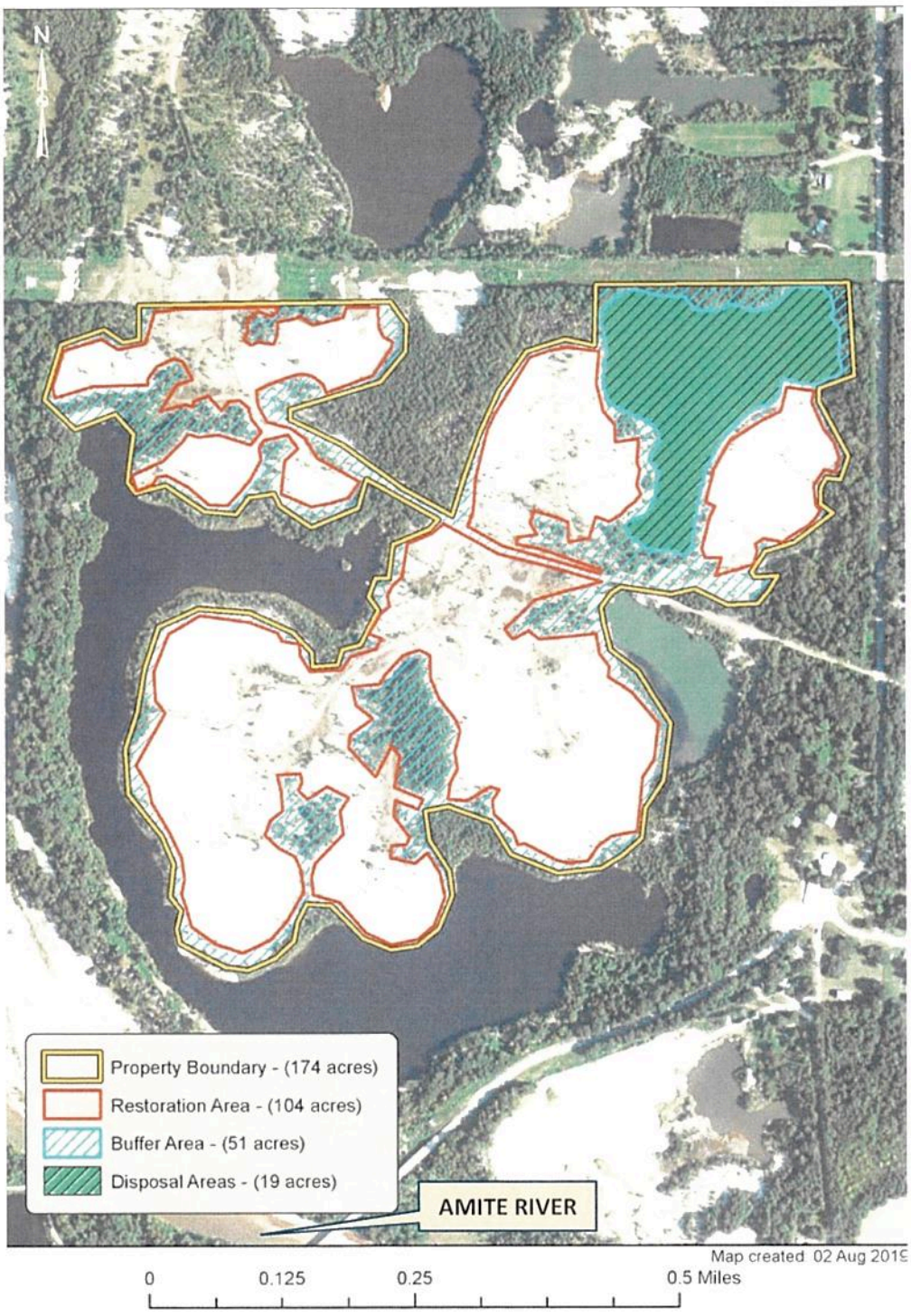


Figure 7F. Proposed Amite Mitigation Site AM6.

Figure 8. Proposed Innis Mitigation Site (BLH-Wet restoration).

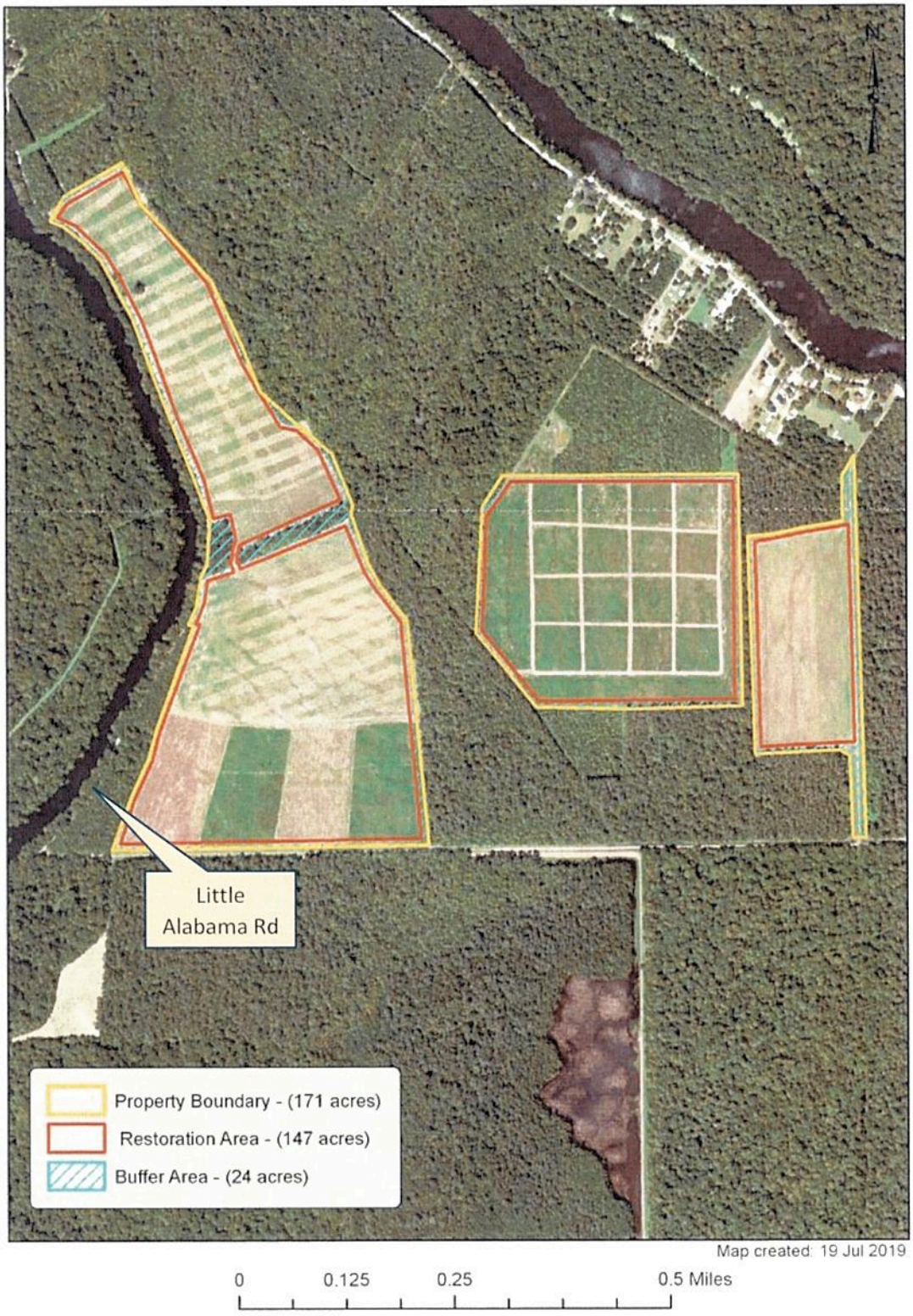


Figure 9. Proposed Krotz Mitigation Site (BLH-Wet restoration).

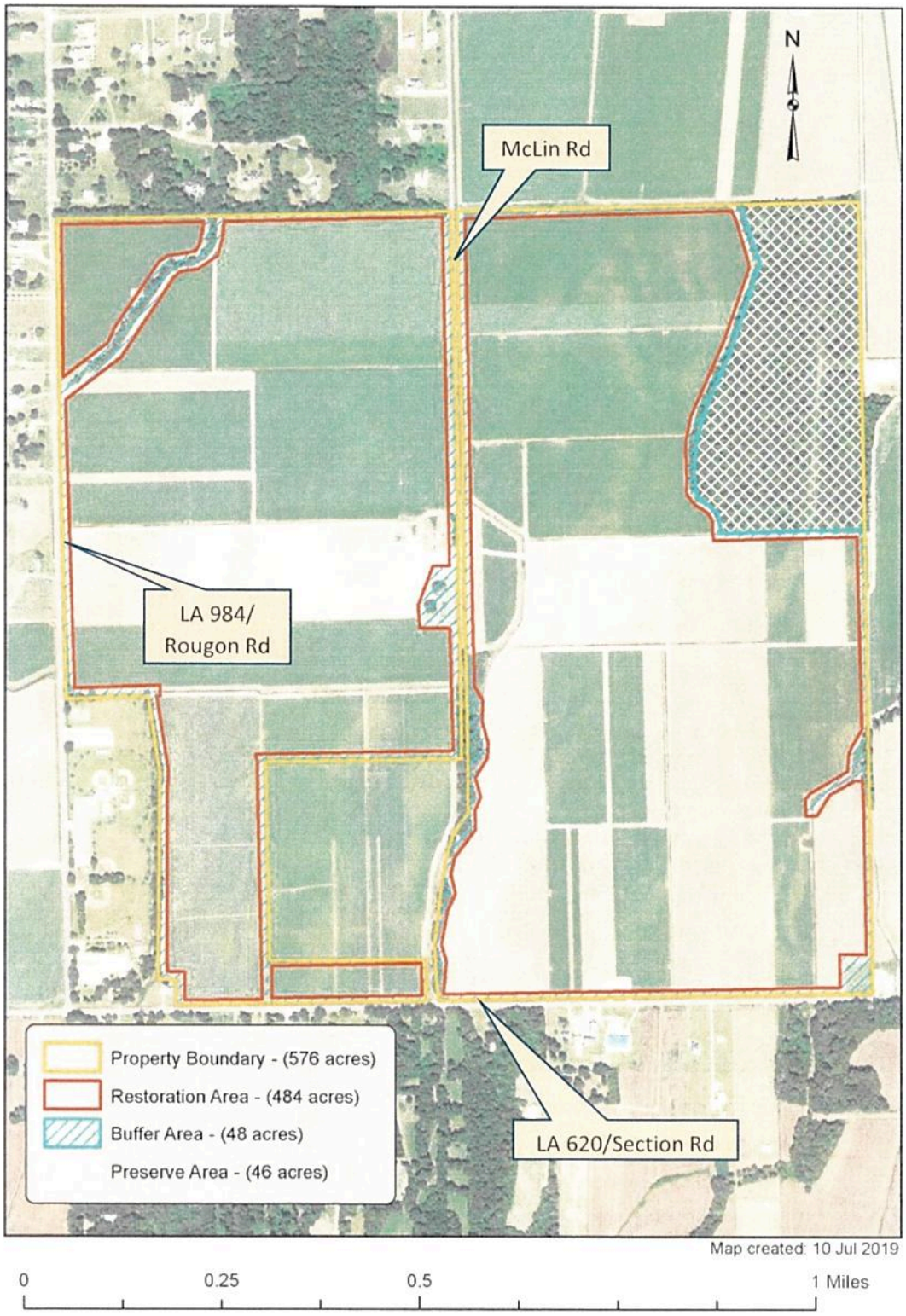


Figure 10. Proposed TPSB Mitigation Site (BLH-Wet restoration).

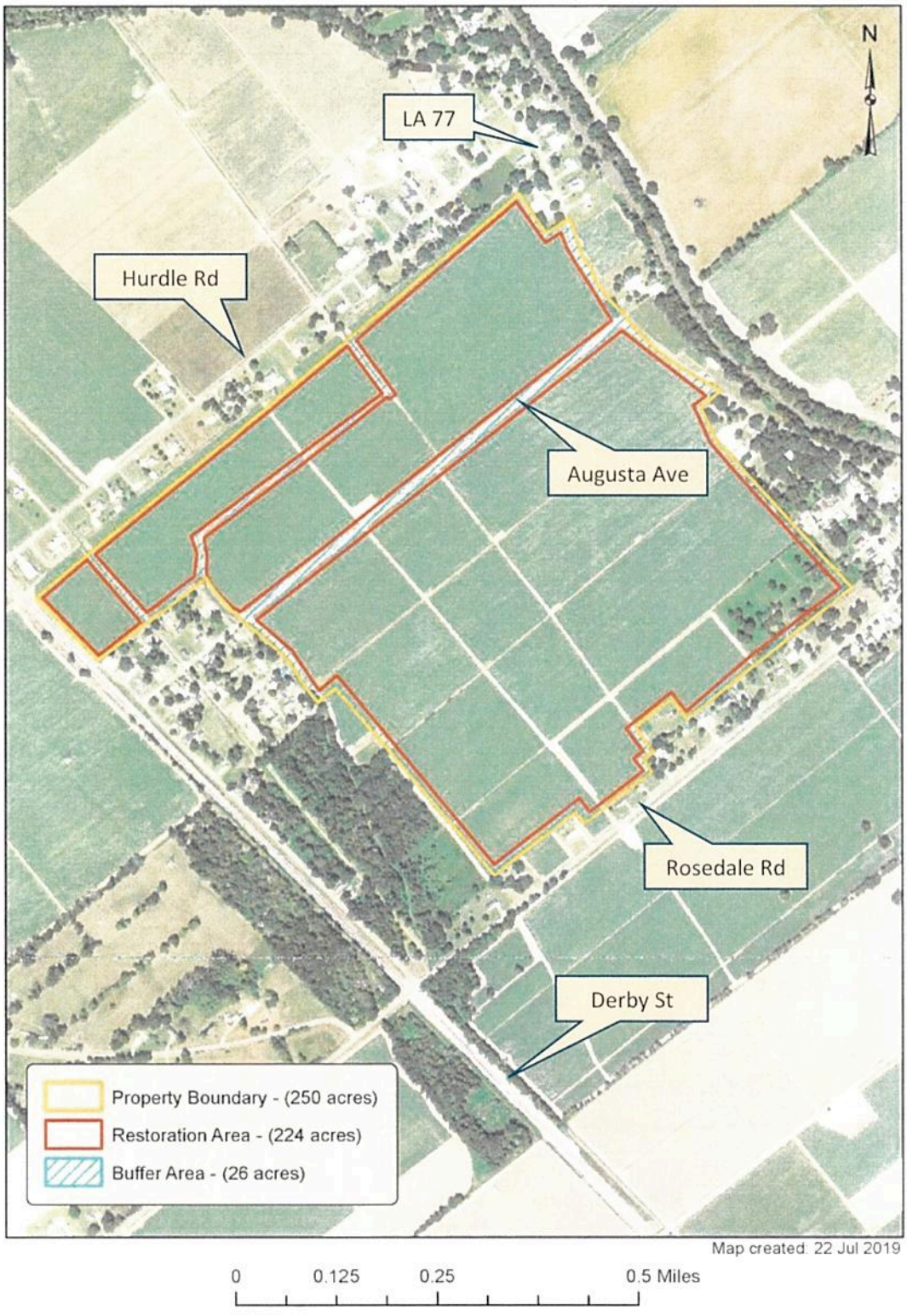


Figure 11. Proposed Rosedale Mitigation Site (BLH-Wet restoration).

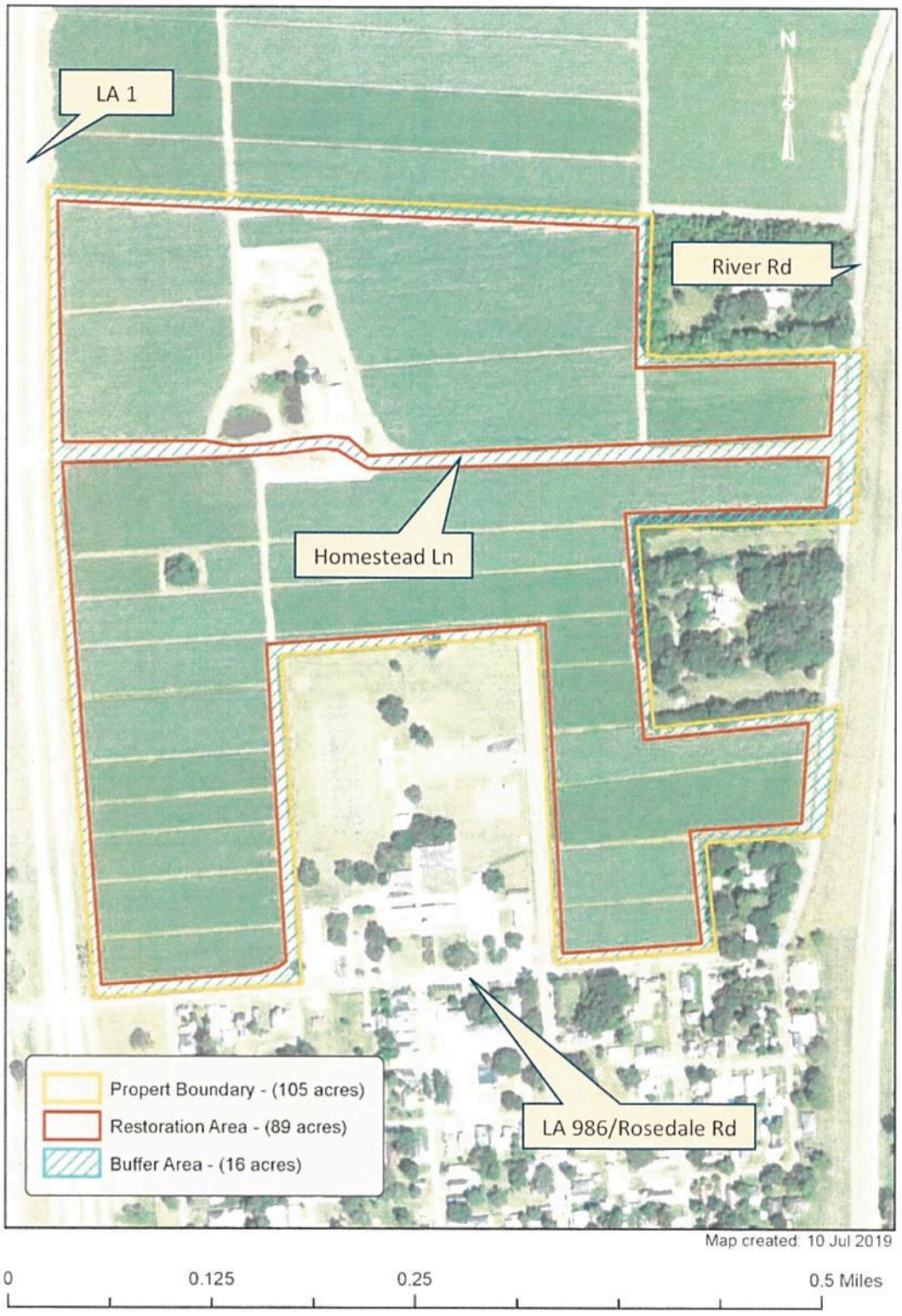


Figure 12. Proposed Port Allen Mitigation Site (BLH-Wet restoration).

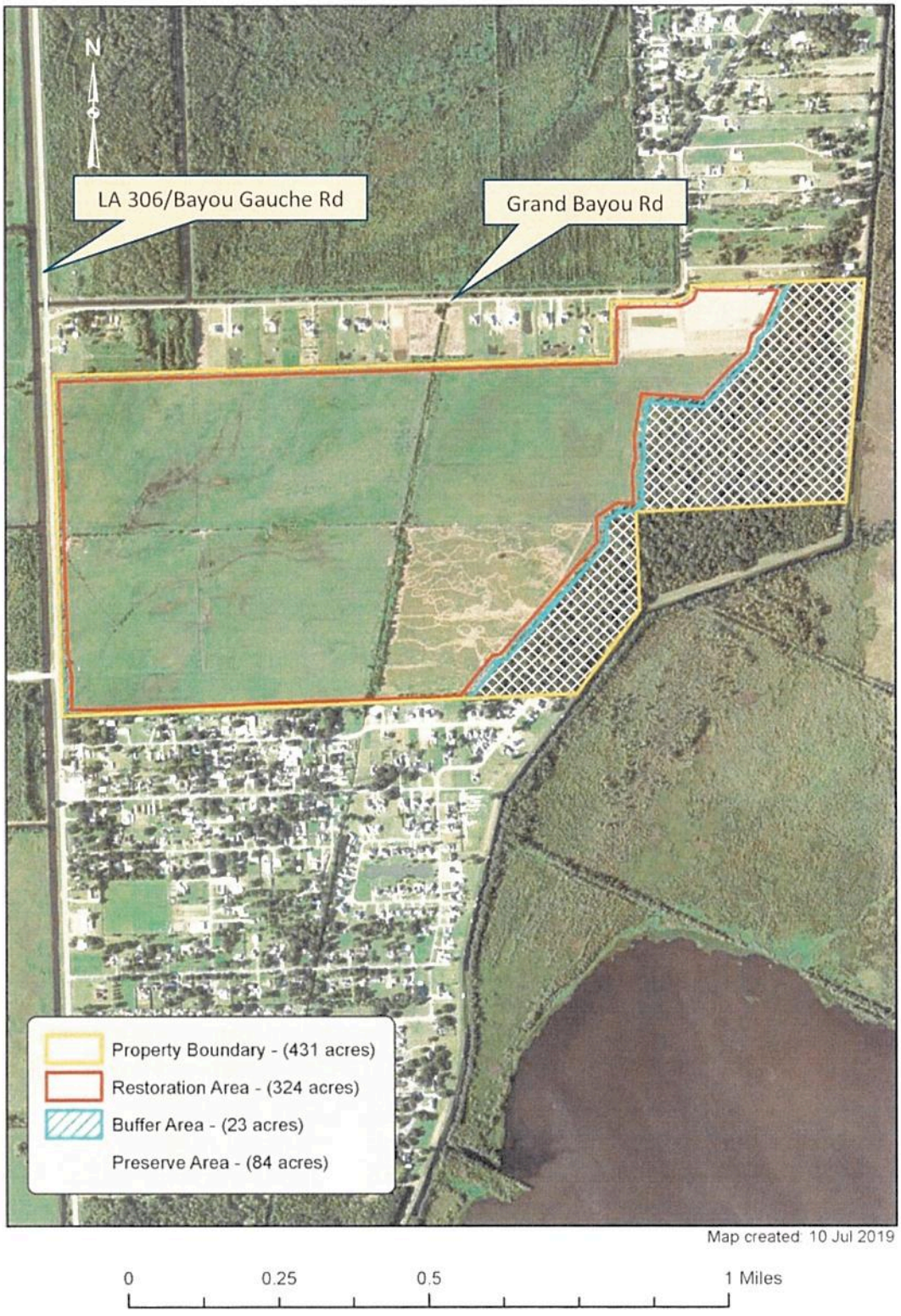


Figure 13. Proposed Sunset Ridge Mitigation Site (BLH-Wet restoration).

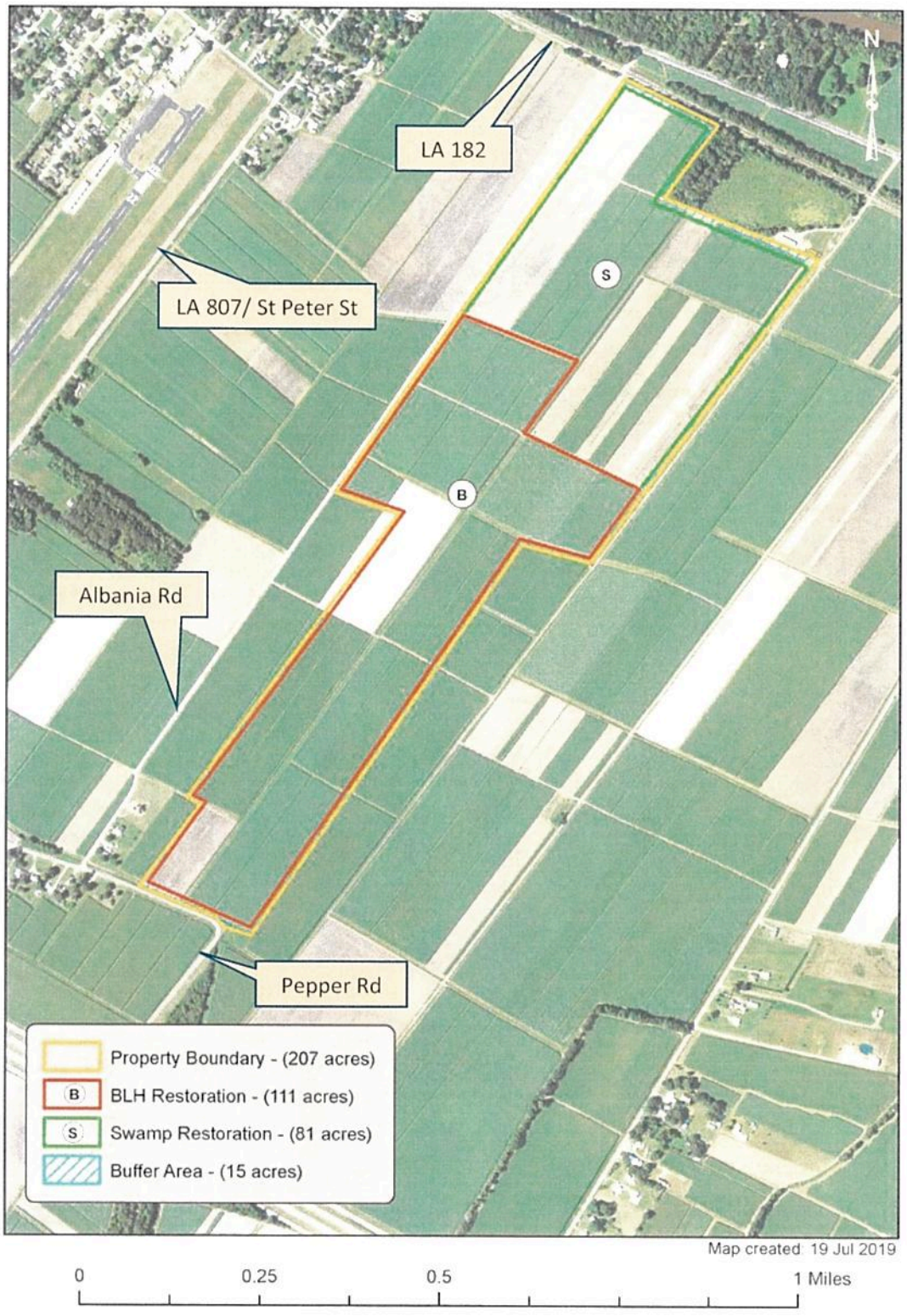


Figure 14. Proposed Albania South Mitigation Site (BLH-Wet and Swamp restoration).

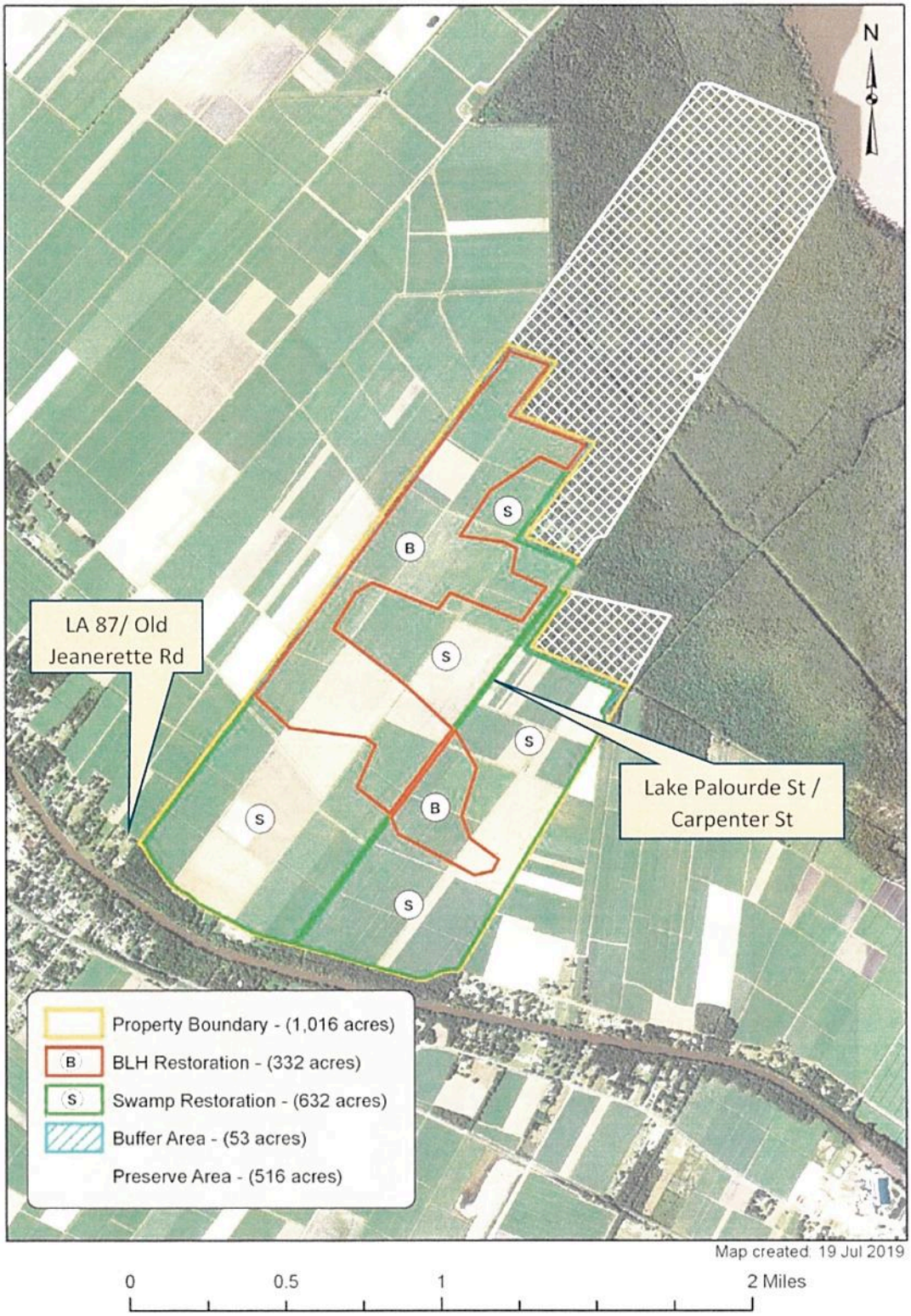


Figure 15. Proposed Albania North Mitigation Site (BLH-Wet and Swamp restoration).

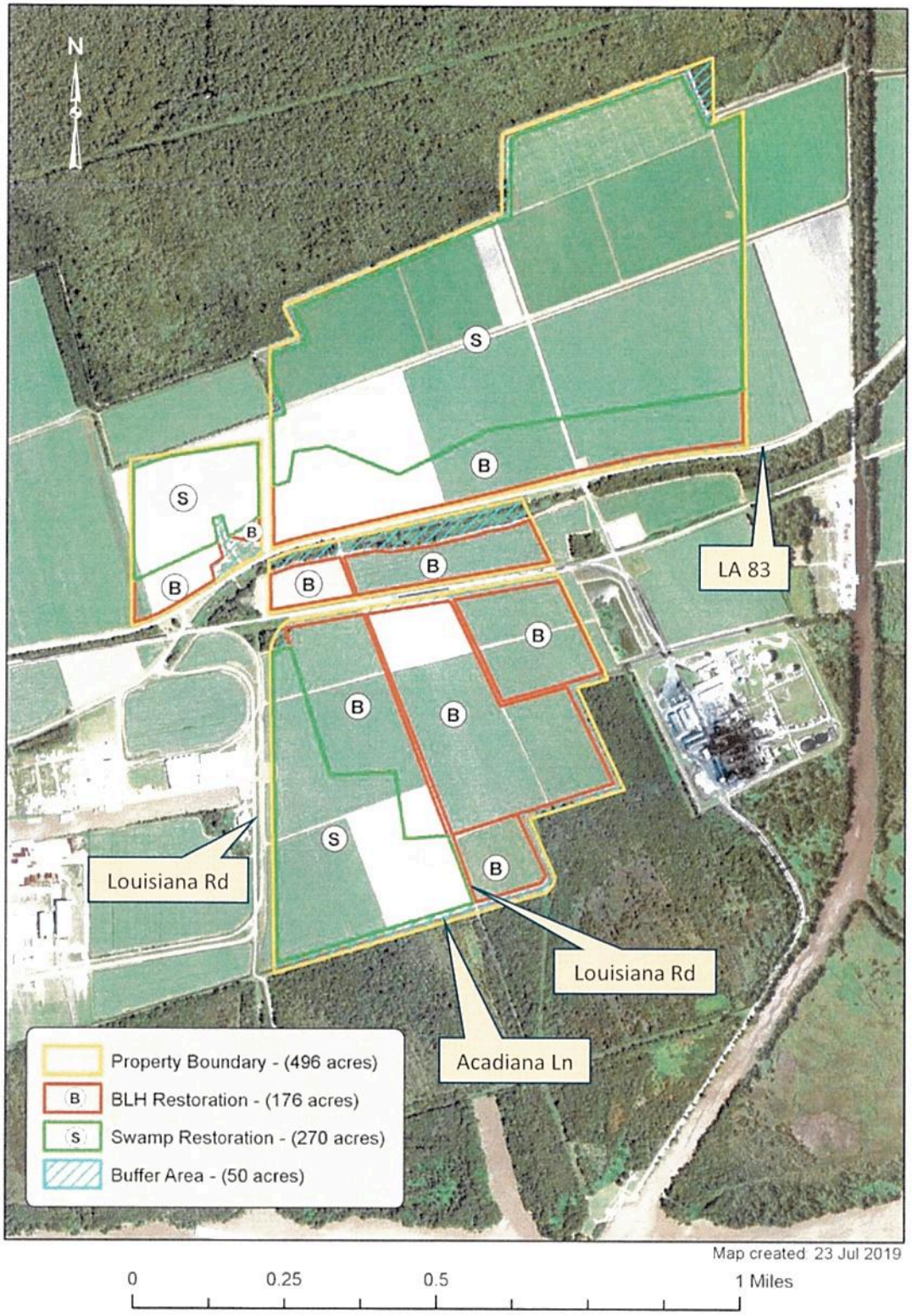


Figure 16. Proposed Cote Blanche Mitigation Site (BLH-Wet and Swamp restoration).

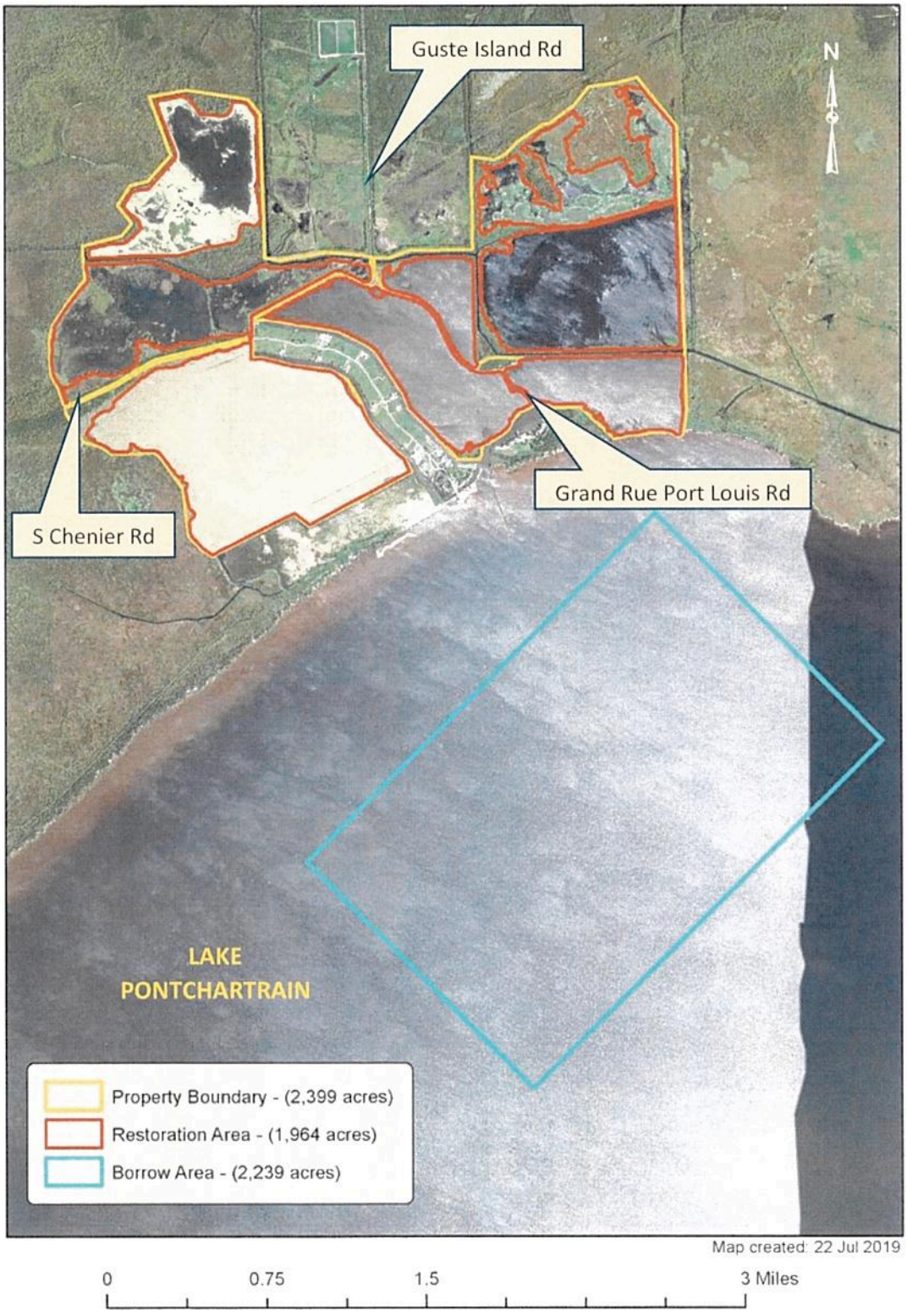


Figure 17. Proposed Pine Island Mitigation Site (Swamp restoration).

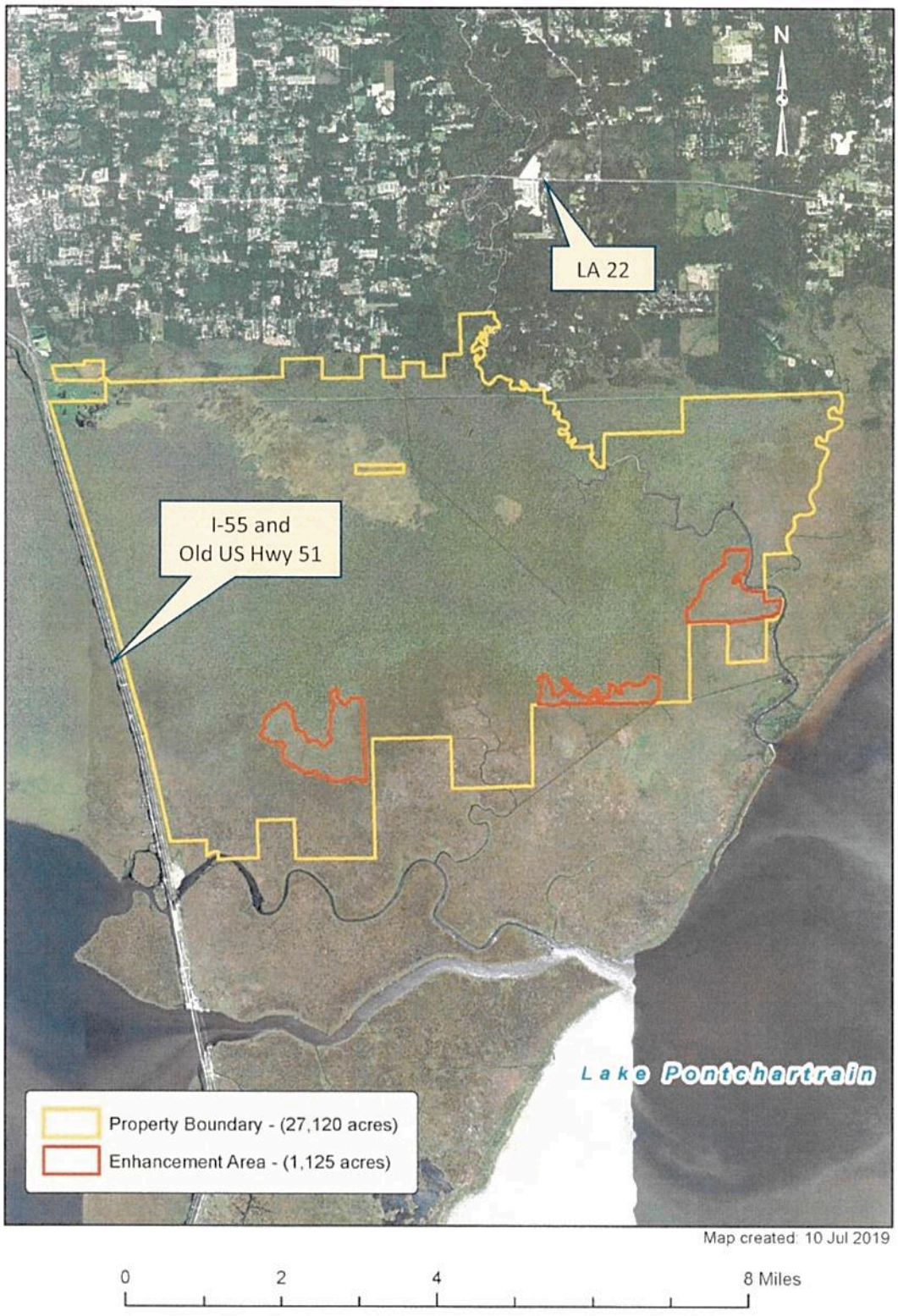


Figure 18. Proposed Joyce WMA Mitigation Site (Swamp enhancement).

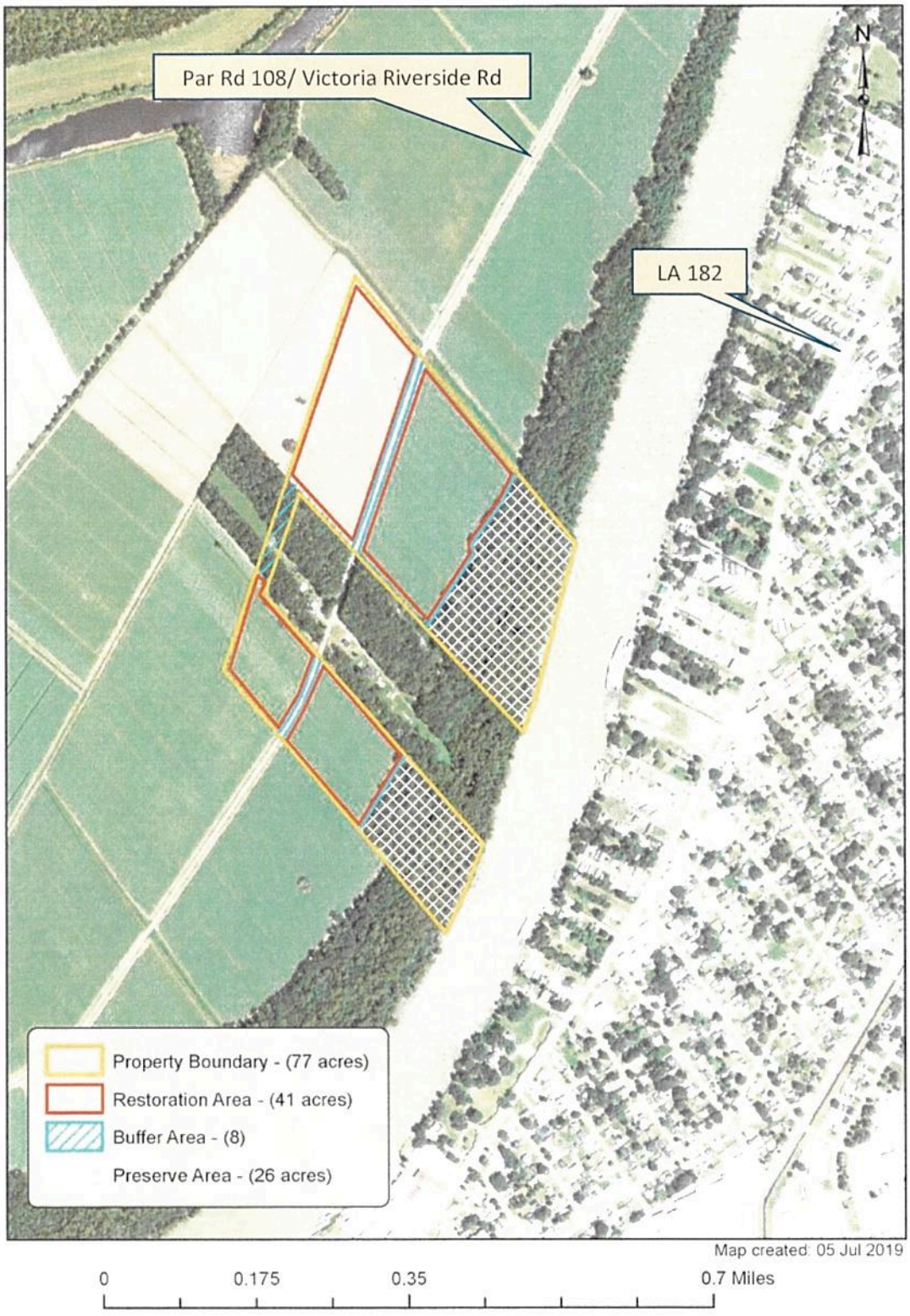
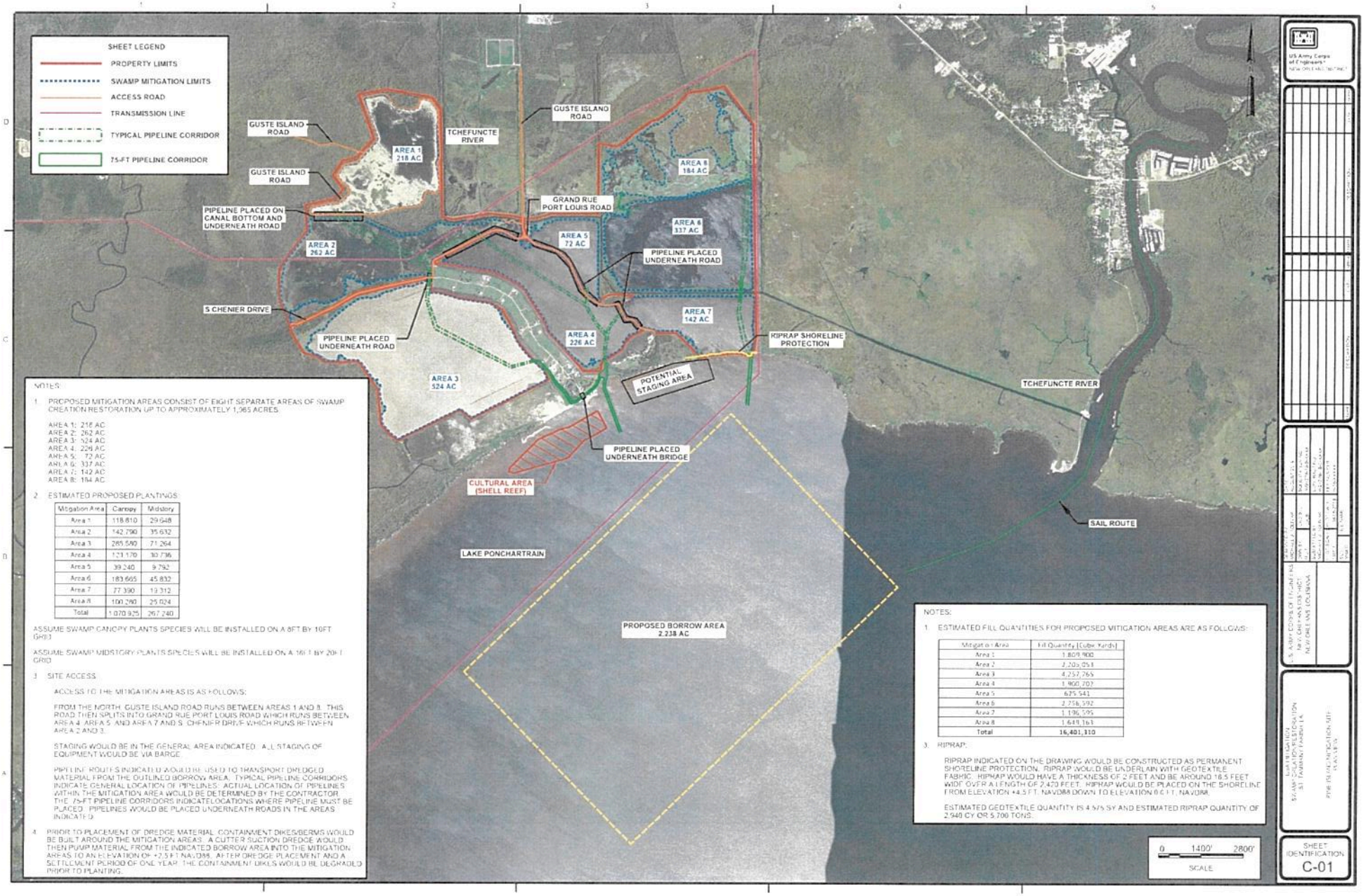


Figure 19. Proposed Bayou Vista Mitigation Site (Swamp restoration).



NOTES:

1. PROPOSED MITIGATION AREAS CONSIST OF EIGHT SEPARATE AREAS OF SWAMP CREATION/RESTORATION UP TO APPROXIMATELY 1,965 ACRES.

   AREA 1: 218 AC
   AREA 2: 262 AC
   AREA 3: 524 AC
   AREA 4: 226 AC
   AREA 5: 72 AC
   AREA 6: 337 AC
   AREA 7: 142 AC
   AREA 8: 184 AC

2. ESTIMATED PROPOSED PLANTINGS:

Mitigation Area	Canopy	Midstory
Area 1	118,810	29,648
Area 2	142,790	35,632
Area 3	285,590	71,264
Area 4	123,170	30,736
Area 5	39,240	9,792
Area 6	183,665	45,832
Area 7	77,390	19,312
Area 8	100,280	25,024
Total	1,070,935	267,240

ASSUME SWAMP CANOPY PLANTS SPECIES WILL BE INSTALLED ON A 8FT BY 10FT GRID

ASSUME SWAMP MIDSTORY PLANTS SPECIES WILL BE INSTALLED ON A 16FT BY 20FT GRID

3. SITE ACCESS

   ACCESS TO THE MITIGATION AREAS IS AS FOLLOWS:

   FROM THE NORTH, GUSTE ISLAND ROAD RUNS BETWEEN AREAS 1 AND 8. THIS ROAD THEN SPLITS INTO GRAND RUE PORT LOUIS ROAD WHICH RUNS BETWEEN AREA 4, AREA 5, AND AREA 7 AND S. CHENIER DRIVE WHICH RUNS BETWEEN AREA 2 AND 3.

   STAGING WOULD BE IN THE GENERAL AREA INDICATED. ALL STAGING OF EQUIPMENT WOULD BE VIA BARGE.

   PIPELINE ROUTES INDICATED WOULD BE USED TO TRANSPORT DREDGED MATERIAL FROM THE OUTLINED BORROW AREA. TYPICAL PIPELINE CORRIDORS INDICATE GENERAL LOCATION OF PIPELINES. ACTUAL LOCATION OF PIPELINES WITHIN THE MITIGATION AREA WOULD BE DETERMINED BY THE CONTRACTOR. THE 75-FT PIPELINE CORRIDORS INDICATE LOCATIONS WHERE PIPELINE MUST BE PLACED. PIPELINES WOULD BE PLACED UNDERNEATH ROADS IN THE AREAS INDICATED.

4. PRIOR TO PLACEMENT OF DREDGE MATERIAL, CONTAINMENT DIKES/BERMS WOULD BE BUILT AROUND THE MITIGATION AREAS. A CUTTER SUCTION DREDGE WOULD THEN PUMP MATERIAL FROM THE INDICATED BORROW AREA INTO THE MITIGATION AREAS TO AN ELEVATION OF +2.5 FT NAVD88. AFTER DREDGE PLACEMENT AND A SETTLEMENT PERIOD OF ONE YEAR, THE CONTAINMENT DIKES WOULD BE DEGRADED PRIOR TO PLANTING.

NOTES:

1. ESTIMATED FILL QUANTITIES FOR PROPOSED MITIGATION AREAS ARE AS FOLLOWS:

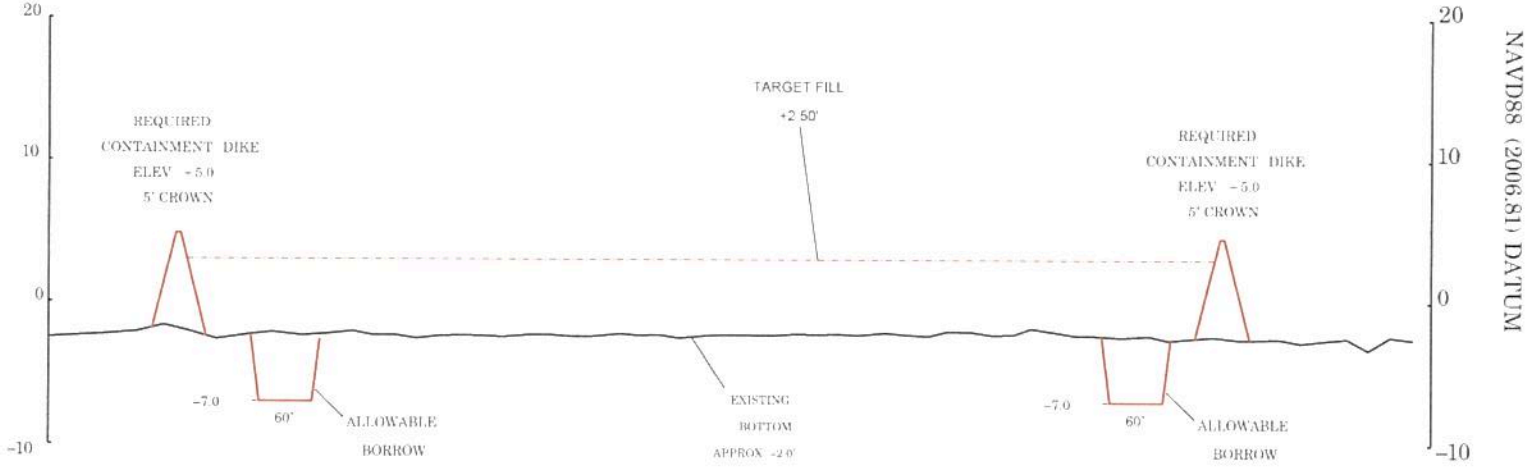
Mitigation Area	Fill Quantity (Cubic Yards)
Area 1	1,809,900
Area 2	2,203,058
Area 3	4,257,765
Area 4	1,900,702
Area 5	625,541
Area 6	2,756,592
Area 7	1,196,595
Area 8	1,649,163
Total	**16,401,310**

3. RIPRAP:

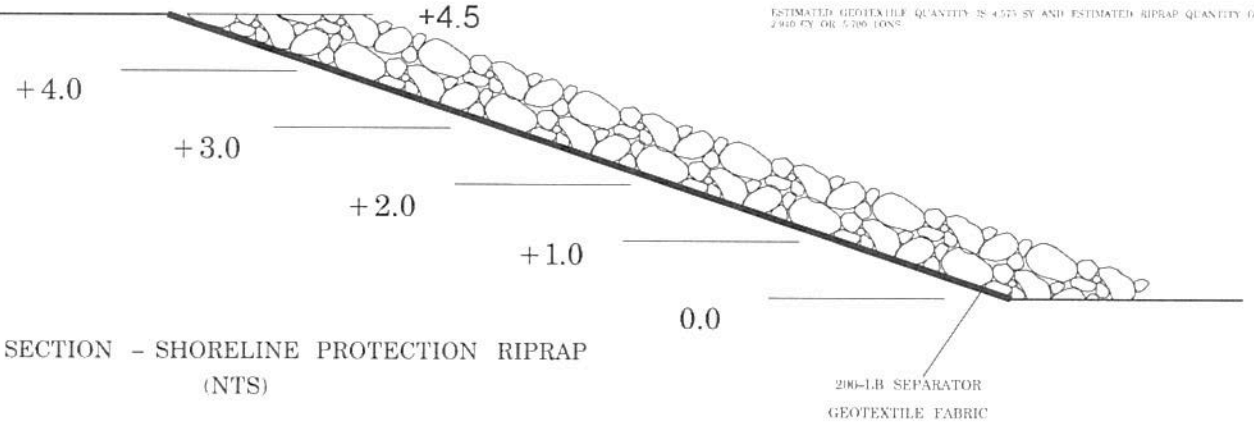
   RIPRAP INDICATED ON THE DRAWING WOULD BE CONSTRUCTED AS PERMANENT SHORELINE PROTECTION. RIPRAP WOULD BE UNDERLAIN WITH GEOTEXTILE FABRIC. RIPRAP WOULD HAVE A THICKNESS OF 2 FEET AND BE AROUND 16.5 FEET WIDE OVER A LENGTH OF 2,470 FEET. RIPRAP WOULD BE PLACED ON THE SHORELINE FROM ELEVATION +4.5 FT. NAVD88 DOWN TO ELEVATION 0.0 FT. NAVD88.

   ESTIMATED GEOTEXTILE QUANTITY IS 4,575 SY AND ESTIMATED RIPRAP QUANTITY OF 2,940 CY OR 5,700 TONS.

SHEET IDENTIFICATION
C-01



TYPICAL SECTION – SWAMP CREATION
(NTS)



NOTES:

RIPRAP WOULD BE UNDERLAIN WITH GEOTEXTILE FABRIC. RIPRAP WOULD HAVE A THICKNESS OF 2 FEET AND BE AROUND 26.5 FEET WIDE OVER A LENGTH OF 2,940 FEET. RIPRAP WOULD BE PLACED ON THE SHORELINE FROM ELEVATION +4.5 FT. NAVD88 DOWN TO ELEVATION 0.0 FT. NAVD88.

ESTIMATED GEOTEXTILE QUANTITY IS 4,575 SY AND ESTIMATED RIPRAP QUANTITY OF 2,940 CY OR 5,700 TONS.

TYPICAL SECTION – SHORELINE PROTECTION RIPRAP
(NTS)

US Army Corps of Engineers

SHEET IDENTIFICATION
C-02

JOHN BEL EDWARDS
GOVERNOR

CHUCK CARR BROWN, PH.D.
SECRETARY

State of Louisiana

DEPARTMENT OF ENVIRONMENTAL QUALITY
ENVIRONMENTAL SERVICES

SEP 09 2019

Ms. Tammy Gilmore
U.S. Army Corps of Engineers
Regional Planning and Environmental Division South
CEMVN-PDN-CEP
7400 Leake Avenue
New Orleans, LA 70118

AI No.: 101235
Activity No.: CER2019003

RE: BBA 18 Mitigation Project for the West Shore Lake Pontchartrain Hurricane and Storm Damage Risk Reduction, Comite River Diversion, and East Baton Rouge Parish Flood Risk Management Projects
Water Quality Certification WQC 190828-02

Dear Ms. Gilmore:

The Louisiana Department of Environmental Quality, Water Permits Division (LDEQ), has reviewed the application for swamp enhancement and to create and/or restore bottomland hardwoods and swamp to provide for compensatory mitigation for wetland habitat impacts associated with construction of the West Shore Lake Pontchartrain Hurricane and Storm Damage Risk Reduction, Comite River Diversion, and East Baton Rouge Parish Watershed Flood Control projects.

The information provided in the application has been reviewed in terms of compliance with State Water Quality Standards, the approved Water Quality Management Plan and applicable state water laws, rules and regulations. LDEQ determined that the requirements for a Water Quality Certification have been met. LDEQ concludes that the discharge of fill specific to the Pine Island Mitigation Project and all other proposed activities associated with the 19 mitigation projects will not violate water quality standards as provided for in LAC 33:IX.Chapter 11. Therefore, LDEQ hereby issues U.S. Army Corps of Engineers, New Orleans District Water Quality Certification, WQC 190828-02.

Should you have any questions concerning any part of this certification, please contact Elizabeth Hill at (225) 219-3225 or by email at elizabeth.hill@la.gov. Please reference Agency Interest (AI) number 101235 and Water Quality Certification 190828-02 on all future correspondence to this Department to ensure all correspondence regarding this project is properly filed into the Department's Electronic Document Management System. Please find included with this certification the public notice for publication in the Advocate of Baton Rouge.

Sincerely,

Scott Guilliams
Administrator
Water Permits Division

Enclosure

PUBLIC NOTICE TO RUN IN

THE ADVOCATE OF Baton Rouge

legal.ads@theadvocate.com
Phone: 225-388-0128

Contact: Shelley Calloni or Kristi Bunch

Notice is hereby given that the U.S. Army Corps of Engineers, New Orleans District has applied for a 401 Water Quality Certification for swamp enhancement and to create and/or restore bottomland hardwoods and swamp to provide for compensatory mitigation for wetland habitat impacts associated with construction of the West Shore Lake Pontchartrain Hurricane and Storm Damage Risk Reduction, Comite River Diversion, and East Baton Rouge Parish Watershed Flood Control projects. The U.S. Army Corps of Engineers, New Orleans District is applying to the Louisiana Department of Environmental Quality, Office of Environmental Services for a Water Quality Certification in accordance with statutory authority contained in the LAC 33:IX.1507.A-E and provisions of Section 401 of the Clean Water Act.

Comments concerning this application can be filed with the Water Permits Division within ten days of this notice by referencing WQC 190828-02, AI 101235 to the following address:

Louisiana Department of Environmental Quality
Water Permits Division
P.O. Box 4313
Baton Rouge, LA 70821-4313
Attn: Elizabeth Hill

A copy of the application is available for inspection and review at the LDEQ Public Records Center, on the first floor of the Galvez Building, Room 127 at 602 North Fifth Street, Baton Rouge, LA 70802, from 8:00 a.m. to 4:30 p.m.

DEPARTMENT OF THE ARMY
CORPS OF ENGINEERS, NEW ORLEANS DISTRICT
7400 LEAKE AVE
NEW ORLEANS LA 70118-3651

July 03, 2019

Regional Planning and
Environment Division, South
Environmental Planning Branch
Attn: CEMVN-PDS-N

Kristin Sanders, SHPO
LA State Historic Preservation Officer
P.O. Box 44247
Baton Rouge, LA 70804-4241

RE: Notice of Intent to Prepare Programmatic Agreement Regarding "Bipartisan Budget Act of 2018 Compensatory Mitigation for the Comite River Diversion, East Baton Rouge Parish Watershed Flood Control, and West Shore Lake Pontchartrain Hurricane and Storm Damage Risk Reduction Projects."

Dear Ms. Sanders:

The United States Army Corps of Engineers (USACE), New Orleans District (CEMVN), is initiating the process to develop a Programmatic Agreement (PA) for the Bipartisan Budget Act of 2018 Compensatory Mitigation for the Comite River Diversion (Comite), East Baton Rouge Parish Watershed Flood Control (EBR), and West Shore Lake Pontchartrain Hurricane and Storm Damage Risk Reduction (WSLP) Projects pursuant to Section 106 of the National Historic Preservation Act (NHPA), as amended (54 U.S.C. § 300101 et seq.), and Section 110 of the NHPA, that require Federal agencies to take into account the effect of their undertakings on historic properties during the planning process and consult with stakeholders regarding these effects. This letter is intended to notify the LA State Historic Preservation Officer (LA SHPO) pursuant to 36 CFR Part 800.14(b) of our plan to develop a project-specific PA that establishes procedures to satisfy the CEMVN's Section 106 responsibilities with regard to the programmatic review of this feasibility study and allows CEMVN to coordinate Section 106 reviews with its evaluation of the proposed action's potential for significant impacts to the human and natural environment required by the National Environmental Policy Act (NEPA), as amended (42 U.S.C. § 4321 et seq.). The PA will address the potential of this undertaking to effect historic properties that are eligible for or listed on the National Register of Historic Places (NRHP), including archaeological sites, districts, buildings, structures, and objects that are significant in American history, architecture, archaeology, engineering, and/or sites of religious and cultural significance on or off Tribal Lands [as defined in 36 CFR § 800.16(x)]. We invite the LA SHPO to participate in this consultation since it may involve important questions of policy or interpretation and will result in the development of a PA that governs the application of the Section 106 process with regards to the proposed undertaking.

Study Authority
CEMVN is conducting the present compensatory mitigation feasibility study under the standing authority of the Bipartisan Budget Act of 2018 (Pub. L. 115-123), Division B, Subdivision 1, H. R. 1892-13, Title IV, Corps of Engineers-Civil, Department of the Army, Investigations, for flood and storm damage risk reduction, signed into law February 9, 2018. The Comite, EBR, and WSLP projects were previously authorized and have since been included in the Bipartisan Budget Act of 2018 for construction. The lead Federal agency for this proposed action is the USACE. The Non-Federal Sponsors (NFS) for the Comite project are the Louisiana Department of Transportation and Development and the Amite River Basin Commission. The NFS for the EBR project are East Baton Rouge Parish and the City of Central. The NFS for the WSLP project are the Louisiana Coastal Protection and Restoration Authority and the Pontchartrain Levee District. The feasibility study phase is 100% federally funded.

Study Purpose and Background
The purpose of the proposed action is to compensate for habitat losses incurred during construction of the WSLP, Comite, and EBR projects. The WSLP project is located in southeast Louisiana, on the east-bank of the Mississippi River in St. Charles, St. John the Baptist, and St. James Parishes. The project, as currently designed, is approximately 18.5 miles (29.7 km) in length and includes 17.5 miles (28.1 km) of levee, 1 mile of T-wall (1.6 km), four (4) pumping stations, two (2) drainage structures, and approximately 35 utility relocations. It is currently anticipated that approximately 2,020 acres (817.4 ha) of swamp and 150 acres (60.7 ha) of bottomland hardwoods (BLH) would be needed for mitigation. However, the construction project is currently undergoing re-design and therefore the mitigation needs, could change.

The Comite Project is located in the southern portion of the Comite River Basin, in East Baton Rouge Parish, Louisiana. The primary project features include a control structure at the Comite River, a control structure at Lilly Bayou, three (3) control drop structures at the intersections of the diversion channel with White, Cypress, and Baton Rouge Bayous, a drop control structure in the vicinity of McHugh Road, two (2) railroad bridges, four (4) highway bridges and one (1) parish road bridge. Some construction has begun to date and therefore some mitigation has been completed as well. It is currently anticipated that approximately 690 acres (279.2 ha) of BLH mitigation is remaining.

The EBR project is located in East Baton Rouge Parish, Louisiana, and is intended to reduce flooding throughout East Baton Rouge Parish by improving approximately 66.0 miles (106.2 km) of channels in five (5) sub-basins including: Jones Creek and tributaries, Ward Creek and its tributaries, Bayou Fountain, Beaver Bayou, and Blackwater Bayou and its main tributary. It is anticipated that approximately 430 acres (174.0 ha) of BLH would needed for mitigation. However, the construction project is currently undergoing re-design and therefore the impacts, and therefore the mitigation needs, could change.

Study Area
Generally and to the extent possible, the mitigation projects will be implemented in the same coastal basin where the project impacts occur. The mitigation is still in the early planning phase and therefore a Tentatively Selected Plan (TSP) has not yet been identified. However, CEMVN has identified several sites that may be suitable for mitigation. In addition to purchasing existing mitigation bank credits, CEMVN is presently reviewing 31 potential mitigation areas (Table 1):

Table1. Potential Mitigation Areas

	Mitigation Site	Total Acreage	Latitude	Longitude
1	Pine Island	1945.7	30.396678	-90.219547
2	Saint James	1393.9	30.085205	-90.851138
3	Saint John	104.9	30.068508	-90.569073
4	Ziegler	65.2	30.434510	-90.706101
5	Gravity	80.5	30.148050	-90.958326
6	Ascension SB	63.0	30.177260	-90.907816
7	Saint Gabriel	1322.4	30.277361	-91.090627
8	Staring	171.9	30.319447	-91.131753
9	LSUAM 1	1484.8	30.367455	-91.174861
10	GBRPC	134.9	30.383259	-91.213589
11	LSUAM 2	258.0	30.395102	-91.197027
12	Feliciana	267.0	30.813381	-90.965219
13	Sunset Ridge	324.5	29.816439	-90.418021
14	Tangipahoa	82.4	30.700819	-90.409489
15	Port Allen	89.3	30.466937	-91.207063
16	TPSB	507.9	30.548381	-91.356100
17	Rosedale	224.8	30.441978	-91.463792
18	Grosse Tete	93.4	30.378220	-91.420981
19	Modeste	83.8	30.174734	-91.056964
20	White Castle	69.0	30.169062	-91.153865
21	Innis	131.0	30.874877	-91.718614
22	Lottie	50.4	30.542888	-91.653708
23	Krotz	147.2	30.503050	-91.708769
24	Maringouin	706.0	30.460997	-91.571503
25	Ramah	325.0	30.407211	-91.536795
26	Bayou Vista	41.7	29.693493	-91.277743
27	Albania North	964.8	29.913454	-91.639675
28	Albania South	192.1	29.893694	-91.657721
29	Cote Blanche	447.0	29.779846	-91.745178
30	Amite MIT	2499.2	30.665275	-90.873107
31	Joyce	1125.5	30.352237	-90.330586

A map depicting the locations of potential mitigation areas is included as Figure 1. Additional information and maps regarding this project can be accessed at: https://www.mvn.usace.army.mil/About/Projects/BBA-2018/Mitigation/.

Consideration of Alternatives
Currently, the mitigation projects need to compensate for two (2) habitat categories: BLH and Swamp. The CEMVN mitigation Project Delivery Team (PDT) will identify potential projects based on time, risks, costs, and potential to effect significant cultural, historic, scenic, and recreational resources, among other factors, and will evaluate viable alternatives in cooperation with environmental resource agencies, LA SHPO, Tribes, other external stakeholders and the NFS. Preliminary investigations will help determine which sites could be carried forward for further analysis. TSPs will be evaluated in one (1) comprehensive NEPA document prepared by CEMVN, which will be released for public review and comment.

Mitigation Plan Formulation Milestones
Table 2 (below) provides a schedule of proposed study milestone dates for the present feasibility study. Schedule updates will be provided to stakeholders in subsequent Section 106 consultation meetings. The schedule assumes that an Environmental Assessment (EA) will be required in furtherance of CEMVN's responsibilities under NEPA. The EA will examine the existing condition of environmental and cultural resources within the study area and analyze potential impacts to those resources as a result of implementing the alternatives. Upon the completion of the Draft EA a stakeholder/public comment period will be initiated in conjunction with technical, peer, and policy reviews. Subsequently, results of the reviews and additional feasibility work will be incorporated into the Final EA, which will again be made available for stakeholder/public review.

Table 2. Proposed Study Milestone Schedule

Milestone	Scheduled	Actual	Complete
Mitigation Industry Day	Sept 7, 2018	Sept 7, 2018	Yes
Screening of Potential Sites	April 2019	May 03, 2019	Yes
Alternative Analysis	Ongoing	Ongoing	No
TSP Selection	Aug 16, 2019	TBD	No
Release Draft EA to Public	Aug 22, 2019	TBD	No
Final EA Routing	Oct 15, 2019	TBD	No

On September 07, 2018, CEMVN hosted an Environmental Mitigation Industry Day to seek ideas from the mitigation banking industry, landowners, and others, for potential projects to compensate for anticipated habitat impacts associated with the Comite, EBR, and WSLP Projects. Additionally, the public was invited to submit ideas for potential projects to CEMVN by e-mail no later than October 31, 2018. Starting in April of 2019, CEMVN began screening potential sites recommended by Industry Day participants and the public for suitability. On May 03, 2019, assembled an initial list of potential mitigation areas for alternative analysis. Presently, the evaluation of alternatives is ongoing.

At the feasibility level, there is insufficient funding and time to fully conduct required NHPA cultural resources identification and evaluations and to determine any necessary avoidance, minimization, or mitigation measures in consultation with stakeholders. Therefore, prior to approving the undertaking, the agency is proposing to develop a project-specific PA in consultation with stakeholders as the federal agency cannot fully determine how the undertaking may affect historic properties or the location of historic properties and their significance and character at this time. Following the execution of a PA, the Chief of Engineers may then

proceed with making a final recommendation on the project and issuing a Finding of No Significant Impact (FONSI) in compliance with NHPA and NEPA.

Section 106 Consultation
CEMVN has determined that the proposed action constitutes an Undertaking as defined in 36 CFR § 800.16(y) and has the potential to cause effects on historic properties. This letter initiates formal Section 106 consultation pursuant to 36 CFR § 800.3(c). Due to time and budget constraints for this undertaking, CEVMN proposes to develop a project-specific PA pursuant to 36 CFR § 800.14(b)(3). The goal of this Section 106 consultation is to provide a framework for addressing this undertaking and establish protocols for continuing consultation with the LA SHPO, Tribal Governments, and other stakeholders. The PA would identify consulting parties, define applicability, establish review timeframes, stipulate roles and responsibilities of stakeholders, summarize Tribal consultation procedures, consider the views of the SHPO/THPO and any other consulting parties, afford for public participation, develop programmatic allowances to exempt certain actions from Section 106 review, provide the measures CEMVN will implement to develop an Area of Potential Effects (APE) in consultation with external stakeholders, outline a standard review process for plans and specifications as they are developed, determine an appropriate level of field investigation to identify and evaluate historic properties within the APE and the potential to affect historic properties and/or sites of religious and cultural significance, streamline the assessment and resolution of Adverse Effects through avoidance, minimization, and programmatic treatment approaches for mitigation, establish reporting frequency and schedule, provide provisions for post-review unexpected discoveries and unmarked burials, and incorporate the procedures for amendments, duration, termination, dispute resolution, and implementation.

CEMVN proposes to send future notices, draft agreements, and other background information to consulting parties by e-mail to minimize communication delays and expedite the development of the PA. Please let CEMVN know if this is impractical, so we can make alternative arrangements.

A date and time for the initial Section 106 consultation meeting has not been set. Upon selection of a TSP, CEMVN will schedule a teleconference with consulting parties. The purpose of the initial meeting will be to discuss the proposed undertaking, the APE, and determine the appropriate steps to identify, evaluate, avoid, minimize, and mitigate potential adverse effects. CEMVN will notify likely consulting parties regarding the meeting as soon as possible and forward information regarding the meeting location, a conference call-in number, and the Agenda.

Please do not hesitate to notify CEMVN regarding any information your office may wish to provide at this time concerning the proposed undertaking and its potential to significantly affect historic properties and/or of any other relevant parties who you feel may have an interest in participating in this consultation. Should you have any questions or need additional information regarding this undertaking or the Proposed Study Milestone Schedule, please contact Jeremiah Kaplan, Archaeologist at Jeremiah.H.Kaplan @usace.army.mil or (504) 862-2004.

Sincerely,

for MARSHALL K. HARPER
Chief, Environmental Planning Branch

CC:File
LA SHPO
An electronic copy of this letter with enclosures will be provided to the Section 106 Inbox, section106@crt.la.gov.

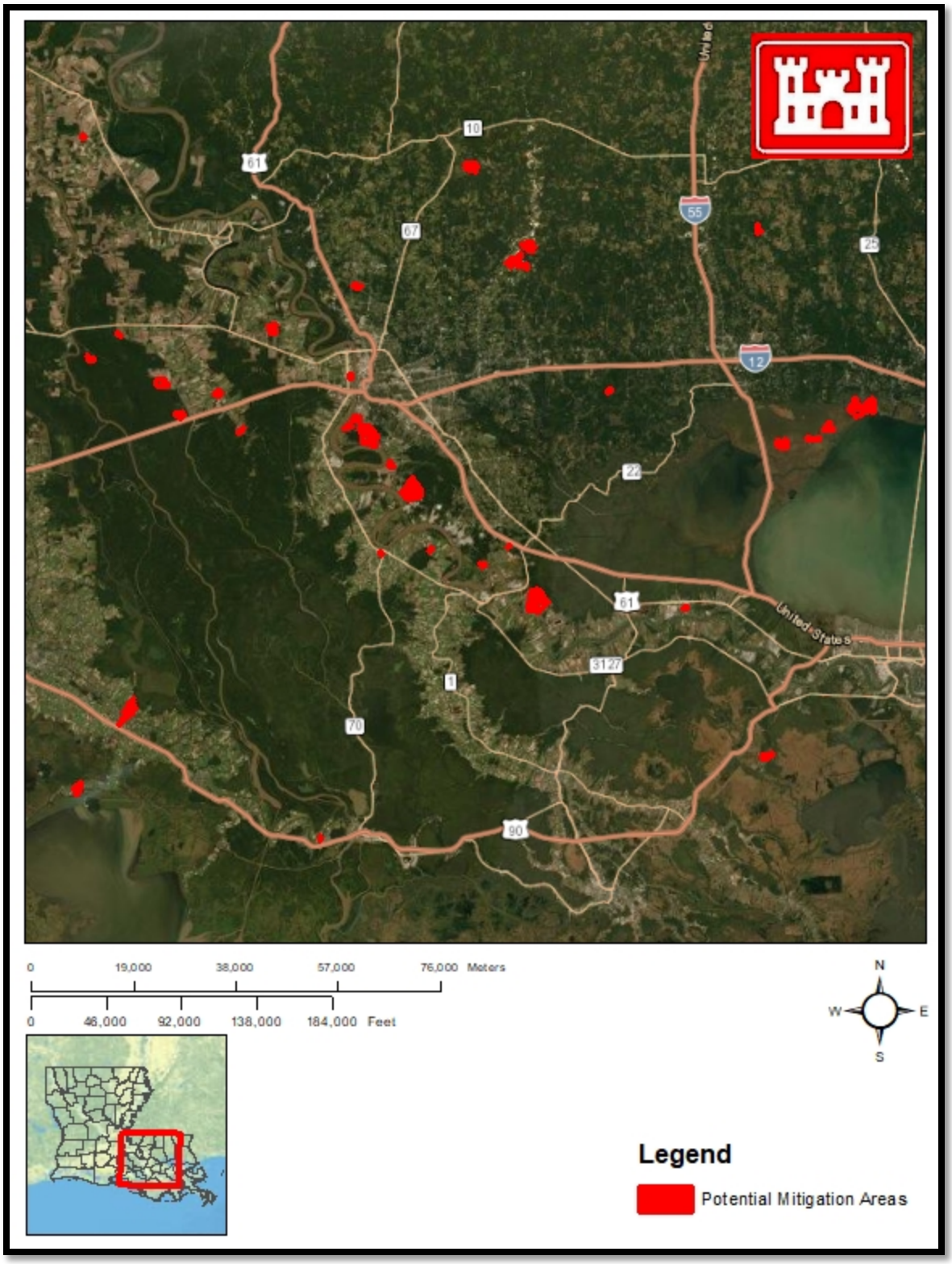


Figure 1. Map displaying location of potenital mitigation areas.

Public Notice NHPA/NEPA[1]

Notice of Intent to Prepare Programmatic Agreement Regarding "Bipartisan Budget Act of 2018 Compensatory Mitigation for the Comite River Diversion, East Baton Rouge Parish Watershed Flood Control, and West Shore Lake Pontchartrain Hurricane and Storm Damage Risk Reduction Projects."

The United States Army Corps of Engineers (USACE), New Orleans District (CEMVN), is initiating the process to develop a Programmatic Agreement (PA) for the Bipartisan Budget Act of 2018 Compensatory Mitigation for the Comite River Diversion (Comite), East Baton Rouge Parish Watershed Flood Control (EBR), and West Shore Lake Pontchartrain Hurricane and Storm Damage Risk Reduction (WSLP) Projects pursuant to Section 106 of the National Historic Preservation Act (NHPA), as amended (54 U.S.C. § 300101 et seq.), and Section 110 of the NHPA, that require Federal agencies to take into account the effect of their undertakings on historic properties during the planning process and consult with stakeholders regarding these effects.

The purpose of the proposed action is to compensate for habitat losses incurred during construction of the WSLP, Comite, and EBR projects. The WSLP project is located in southeast Louisiana, on the east-bank of the Mississippi River in St. Charles, St. John the Baptist, and St. James Parishes. The Comite Project is located in the southern portion of the Comite River Basin, in East Baton Rouge Parish, Louisiana. The EBR project is located in East Baton Rouge Parish, Louisiana. Generally and to the extent possible, the mitigation projects will be implemented in the same coastal basin where the project impacts occur. In addition to purchasing existing mitigation bank credits, CEMVN is presently reviewing 31 potential mitigation areas (Figure 1).

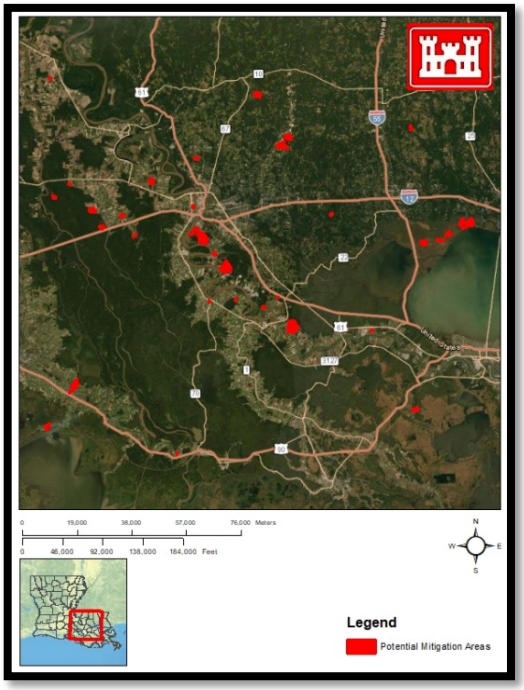


Figure 1. Map displaying potential mitigation areas.

The mitigation projects need to compensate for two habitat categories: Bottom Land Hardwood and Swamp. Among other factors, the mitigation team will identify projects based on time, risks, costs, and potential to effect significant cultural resources, and will evaluate viable alternatives. Additional project information can be accessed at: https://www.mvn.usace.army.mil/About/Projects/BBA-2018/Mitigation/.

CEMVN has determined that the proposed action constitutes an Undertaking as defined in 36 CFR § 800.16(y) and has the potential to cause effects on historic properties. Accordingly, CEVMN proposes to develop a project-specific PA pursuant to 36 CFR § 800.14(b)(3) to provide a framework for addressing this undertaking and establish protocols for continuing consultation with the LA State Historic Preservation Officer (LA SHPO), Tribal Governments, and other stakeholders. The PA would identify consulting parties, define applicability, establish review timeframes, stipulate roles and responsibilities of stakeholders, consider the views of the SHPO/Tribal Historic Preservation Officer and other consulting parties, afford for public participation, provide the measures CEMVN will implement to develop an Area of Potential Effects (APE) in consultation with external stakeholders, outline a standard review process for plans and specifications as they are developed, determine an appropriate level of field investigation to identify and evaluate historic properties and/or sites of religious and cultural significance within the APE, streamline the assessment and resolution of Adverse Effects through avoidance, minimization, and programmatic treatment approaches for mitigation.

To help further develop a course of action for this project CEMVN is requesting your input by July 17, 2019, concerning the proposed Undertaking and its potential to significantly affect historic properties and/or of relevant parties who may have an interest in participating in this consultation. Comments can be sent electronically to: mvnenvironmental@usace.army.mil, or, mail comments to: Cultural & Social Resources Section (CEMVN-PDP-CSR), USACE, Room 140, 7400 Leake Ave., New Orleans, LA 70118-3651.

[1] CEMVN is issuing this public notice as part of its responsibilities under the Advisory Council on Historic Preservation's regulations, 36 CFR Part 800, implementing Section 106 of the National Historic Preservation Act of 1966, as amended (54 U.S.C. § 306108). This notice applies to activities carried out under the standing authority of The Bipartisan Budget Act of 2018 (Pub. L. 115-123), Division B, Subdivision 1, H. R. 1892-13, Title IV, Corps of Engineers-Civil, Department of the Army, Investigations, for flood and storm damage risk reduction. CEMVN is also required to fulfill the Council of Environmental Quality regulations (NEPA regulations, 43 FR 55978 (1978)) that provide policy and procedures to enable CEMVN officials to be informed and to take into account environmental considerations when authorizing or approving CEMVN actions that may significantly affect the environment of the United States. It is the intent of NEPA that federal agencies encourage and facilitate public involvement to the extent practicable in decisions that may affect the quality of the environment.

DEPARTMENT OF THE ARMY
CORPS OF ENGINEERS, NEW ORLEANS DISTRICT
7400 LEAKE AVE
NEW ORLEANS LA 70118-3651

July 23, 2019

Regional Planning and
Environment Division, South
Environmental Planning Branch
Attn: CEMVN-PDS-N

Kristin Sanders, SHPO
LA State Historic Preservation Officer
P.O. Box 44247
Baton Rouge, LA 70804-4241

RE: Continued Consultation: Section 106 Programmatic Agreement Regarding "Bipartisan Budget Act of 2018 Compensatory Mitigation for the Comite River Diversion, East Baton Rouge Parish Watershed Flood Control, and West Shore Lake Pontchartrain Hurricane and Storm Damage Risk Reduction Projects."

Dear Ms. Sanders:

The U.S. Army Corps of Engineers (USACE), New Orleans District (CEMVN), is continuing consultation to develop a Programmatic Agreement (PA) for the "Bipartisan Budget Act of 2018 Compensatory Mitigation for the Comite River Diversion (Comite), East Baton Rouge Parish Watershed Flood Control (EBR), and West Shore Lake Pontchartrain Hurricane and Storm Damage Risk Reduction (WSLP) Projects" pursuant to Section 106 of the National Historic Preservation Act (NHPA), as amended (54 U.S.C. § 300101 et seq.), and Section 110 of the NHPA, that require Federal agencies to take into account the effect of their undertakings on historic properties during the planning process and consult with stakeholders regarding these effects. This letter is intended to provide information regarding CEMVN's Tentatively Selected Plan (TSP) for compensatory mitigation (habitat) and notify the LA State Historic Preservation Officer pursuant to 36 CFR Part 800.14(b) of our proposal to develop a project-specific PA that establishes procedures to satisfy the CEMVN's Section 106 responsibilities with regard to the programmatic review of this feasibility study and allows CEMVN to coordinate Section 106 reviews with its evaluation of the proposed action's potential for significant impacts to the human and natural environment required by the National Environmental Policy Act (NEPA), as amended (42 U.S.C. § 4321 et seq.). The PA will address the potential of this undertaking to effect historic properties that are eligible for or listed on the National Register of Historic Places (NRHP), including archaeological sites, districts, buildings, structures, and objects that are significant in American history, architecture, archaeology, engineering, and/or sites of religious and cultural significance on or off Tribal Lands [as defined in 36 CFR § 800.16(x)]. We invite the LA State Historic Preservation Officer to participate in this consultation since it may involve important questions of policy or interpretation and will result in the development of a PA that governs the application of the Section 106 process with regards to the proposed undertaking.

Study Authority
CEMVN is conducting the present compensatory mitigation feasibility study under the standing authority of the Bipartisan Budget Act of 2018 (Pub. L. 115-123), Division B, Subdivision 1, H. R. 1892-13, Title IV, Corps of Engineers-Civil, Department of the Army, Investigations, for flood and storm damage risk reduction, signed into law February 9, 2018. The Comite, EBR, and WSLP projects were previously authorized and have since been included in the Bipartisan Budget Act of 2018 for construction. The lead Federal agency for this proposed action is the USACE. The Non-Federal Sponsors (NFS) for the Comite project are the Louisiana Department of Transportation and Development (LA DOTD) and the Amite River Basin Commission (ARBC). The NFS for the EBR project are East Baton Rouge Parish (EBRP) and the City of Central (CC). The NFS for the WSLP project are the Louisiana Coastal Protection and Restoration Authority (CPRA) and the Pontchartrain Levee District (PLD). The feasibility study phase is 100% federally funded.

Study Purpose
The purpose of the proposed action is to compensate for habitat losses incurred during construction of the WSLP, Comite, and EBR projects. Generally and to the extent possible, the mitigation projects will be implemented in the same coastal basin where the project impacts occur. The WSLP project is located in southeast Louisiana, on the east-bank of the Mississippi River in St. Charles, St. John the Baptist, and St. James Parishes. The Comite Project is located in the southern portion of the Comite River Basin, in East Baton Rouge Parish, Louisiana. The EBR project is located in East Baton Rouge Parish, Louisiana. Currently, the mitigation projects need to compensate for two (2) habitat categories: bottomland hardwoods (BLH) and Swamp. Some of the construction projects are currently undergoing re-design and therefore the impacts and mitigation needs, could change.

Background
On July 03, 2019, CEMVN submitted an initial consultation letter entitled: *Notice of Intent to Prepare Programmatic Agreement Regarding "Bipartisan Budget Act of 2018 Compensatory Mitigation for the Comite River Diversion, East Baton Rouge Parish Watershed Flood Control, and West Shore Lake Pontchartrain Hurricane and Storm Damage Risk Reduction Projects*" to the Louisiana State Historic Preservation Office (SHPO), Affected Tribes (the Alabama-Coushatta Tribe of Texas (ACTT), the Caddo Nation of Oklahoma (CN), the Choctaw Nation of Oklahoma (CNO), the Coushatta Tribe of Louisiana (CT), the Chitimacha Tribe of Louisiana (CTL), the Jena Band of Choctaw Indians (JBCI), the Mississippi Band of Choctaw Indians (MBCI), the Muscogee (Creek) Nation (MCN), the Seminole Nation of Oklahoma (SNO), the Seminole Tribe of Florida (STF), and the Tunica-Biloxi Tribe of Louisiana (TBTL)), the NFS (the LA DOTD, ARBC, EBRP, CC, CPRA, and PLD), and the Advisory Council on Historic Preservation (ACHP). The aforementioned letter provided information regarding the study area, initial array of mitigation areas being considered, alternative evaluation criteria, mitigation plan formulation milestones, and CEVMN's proposal to develop a project-specific PA pursuant to 36 CFR § 800.14(b) to fulfill its responsibilities under Section 106 of the NHPA. Additionally, this letter invited stakeholders to provide input regarding the proposed undertaking and its potential to significantly affect historic properties and/or sites of religious and cultural significance and requested potential consulting parties' assistance with identifying other relevant entities who may have an interest in participating in this consultation.

On July 15, 2019, CEMVN received a written response from the ACHP stating that the agency "has not yet determined if Appendix A of the regulations, Criteria for Council Involvement in Reviewing Individual Section 106 Cases, applies to this undertaking" and requested additional information regarding the views of the SHPO, Tribes, other consulting parties, and the public in order to determine if their participation in this consultation is warranted. CEMVN will provide the ACHP with a summary of any views or comments received from stakeholders subsequent to this consultation. To date, no response has been received from any of the other stakeholders consulted (SHPO/Tribal/NFS).

Beginning in September 2018, CEMVN also began providing the public with documentation related to "Mitigation" on the designated project website at: https://www.mvn.usace.army.mil/About/Projects/BBA-2018/Mitigation/. The web page includes background information regarding purpose, potential mitigation area locations, project planning, and project status along with supplemental materials including a Mitigation Fact Sheet, Industry Day information (date September 7, 2018), and a mitigation basin area map. CEMVN intends to continue to use this website to post project information and as a source for public input. Additionally, on July 02, 2019, CEMVN posted a NHPA/NEPA Public Notice to this website for a 15-day comment period requesting the public's input concerning the proposed undertaking and its potential to significantly affect historic properties, assistance in identifying any relevant parties who may have an interest in participating in this consultation, and CEMVN's proposal to develop a project-specific PA pursuant to 36 CFR § 800.14(b). No comments were received.

Updated Mitigation Plan Formulation Milestones

Table 1 (below) provides a schedule of proposed study milestone dates. Schedule updates will continue to be provided to stakeholders in subsequent Section 106 consultation meetings. The CEMVN mitigation Project Delivery Team (PDT) is in the process of screening potential mitigation areas based on project need, time constraints, costs, risks, and potential to effect significant cultural, historic, scenic, and recreational resources, amongst other factors, and will evaluate the TSP in coordination with SHPO, Tribes, the NFS, and other external stakeholders. The assessment of the TSP will be further detailed in one (1) comprehensive NEPA document, prepared by CEMVN, which will be released for stakeholder/public review and comment. The schedule assumes that an Environmental Assessment (EA) will be required in furtherance of CEMVN's responsibilities under NEPA. The EA will examine the existing condition of environmental and cultural resources within the study area and analyze potential impacts to those resources as a result of implementing the alternatives. Upon the completion of the Draft EA a stakeholder/public comment period will be initiated in conjunction with technical, peer, and policy reviews. Subsequently, results of the reviews and additional feasibility work will be incorporated into the Final EA, which will again be made available for stakeholder/public review.

Table 1. Proposed Study Milestone Schedule

Milestone	Scheduled	Actual	Complete
Mitigation Industry Day	Sept 7, 2018	Sept 7, 2018	Yes
Screening of Potential Sites	April 2019	May 03, 2019	Yes
Alternative Analysis	Ongoing	Ongoing	No
TSP Selection	Aug 16, 2019	July 08, 2019	YES
Release Draft EA to Public	Aug 22, 2019	TBD	No
Final EA Routing	Oct 15, 2019	TBD	No

Description of the Undertaking
CEMVN has now completed its initial screening of alternatives and has developed a TSP that meets the study's' purpose and need. CEMVN may also elect to purchase sufficient BLH-swamp credits from an existing mitigation bank within the Lower Pontchartrain Vicinity (LPV) coastal basin to mitigate for the required acreage-habitat units. The particular bank to be utilized is unknown at this time. However, since permitted banks exist as reasonably foreseeable projects in the Future Without Project conditions, no new direct, indirect, or cumulative impacts to cultural resources would be incurred from the purchase of these credits for the mitigation. In addition to purchasing existing mitigation bank credits, CEMVN is presently reviewing 19 potential mitigation areas (Table 2). A map depicting the locations of the mitigation areas being carried forward for further analysis in the TSP is included as Figure 1 and Attachment 1 provides additional information regarding the tentative actions that would be taken to construct the recommended Plan. The description of the work that would be performed at each mitigation area is still under design and will be refined and coordinated with stakeholders as the project is developed further.

Table 2. TSP

Mitigation Site	Available Acreage	Latitude	Longitude	BLH/Swamp
Pine Island	1945.7	30.411920	-90.241302	Swamp
Saint James	1393.9	30.085205	-90.851138	BLH
Saint John	104.9	30.068508	-90.569073	BLH
Gravity	80.5	30.148050	-90.958326	BLH
Ascension SB	63	30.177260	-90.907816	BLH
GBRPC	134.9	30.383259	-91.213589	BLH
Feliciana	267	30.813381	-90.965219	BLH
Sunset Ridge	324.5	29.816439	-90.418021	BLH
Port Allen	89.3	30.466937	-91.207063	BLH
TPSB	507.9	30.548381	-91.356100	BLH
Rosedale	224.8	30.441978	-91.463792	BLH
Innis	131	30.874877	-91.718614	BLH
Krotz	147.2	30.503050	-91.708769	BLH
Bayou Vista	41.7	29.693493	-91.277743	Swamp
Albania North	964.8	29.913454	-91.639675	BLH/Swamp
Albania South	192.1	29.893694	-91.657721	BLH/Swamp
Cote Blanche	447	29.779846	-91.745178	BLH/Swamp
Amite MIT	2499.2	30.763337	-90.839090	BLH
Joyce	1125.5	30.352237	-90.330586	Swamp

With the exception of Pine Island, all projects include conversion of agricultural land to forested habitat (BLH and Swamp). Any combination of the TSP mitigation areas could be used to satisfy the project purpose and need. The total acreage of potential mitigation areas selected for the TSP is presently greater than actual need so that some flexibility may be afforded if additional evaluation reveals that a particular location is not feasible or avoidance measures are necessitated. Your agency's input will help inform CEMVN of the potential impacts associated with any of the above alternatives and assist in determining avoidance measures.

Area of Potential Effects (APE)
This letter serves as consultation for the Area of Potential Effects (APE) in accordance with 36 CFR § 800.16(d). Attachment 2 provides maps displaying CEMVN's proposed APE for each individual mitigation area included in the TSP. The APE is the same for standing structures and archaeology, incorporates both direct effects (access, staging, and construction areas) and indirect effects (visual), including all areas of proposed ground disturbance, and is presently defined as the individual real estate parcel/s that CEMVN would purchase for each mitigation area (Table 2). At the feasibility level of design, the APE for each individual mitigation area will be used primarily to identify and evaluate the historic properties within. However, the PA will include a standard review process for plans and specifications as they are developed, and therefore; changes to the APE may be warranted as the pre-construction design is further refined. If necessitated, CEMVN will re-initiate consultation with stakeholders to revise the APE in accordance with the PA.

Assessment of the Undertaking's potential to effect Historic Properties
CEMVN has completed an initial review of existing information regarding historic properties within the potential mitigation areas selected for the TSP. Historic Properties within the APE were identified based on CEMVN's review of the NRHP database, the *Louisiana Cultural Resources Map* provided by SHPO, and historic map research. This data was evaluated by CEMVN using the NRHP Criteria. CEMVN's preliminary review of the properties selected for the TSP is summarized in Table 3 (below):

Table 3. Historic Properties within the APE

Mitigation Site	Previously recorded Archaeological Sites within Parcel	Previous Survey within Parcel[1]	Previous Survey Coverage	Other Notes:
Pine Island	16ST45 (partial); 16ST98 (partial)	22-0824 - A+R	Partial	Project area situated in dense cluster of sites. Primarily prehistoric. Little survey coverage of proposed mitigation area
Saint James	16SJ20; 16SJ21; 16SJ34; 16SJ30	22-0665 - A+R; 22-3017 Ph. I; 22-3693 - Ph. II; 22-3693 - Ph. II; 22-3713 - Ph. III; 22-4669 A+R; 22-3017 - Ph. II; 22-3823 - Ph. III; 22-4043 - Ph. III; 22-0728 - Ph. I; 22-0727 - A+R; 22-3812 - Ph. III	Partial	Multiple previously recorded plantation sites within project area: Wilton Plantation, Helvetia Plantation, St. Rose Plantation, and Columb Plantation (including cemetery within parcel)
Saint John	N/A	22-2572 - A+R; 22-3779 - Ph. I (negative)	Complete	Good potential for mitigation area
Gravity	N/A	N/A	N/A	Unassessed
Ascension SB	N/A	N/A	N/A	Requires additional assessment
GBRPC	16EBR72 (partial); 16EBR74	22-1468 - Ph. I	Sparse-N/A	Requires additional assessment
Feliciana	16EF42; 16EF43; 16EF47; 16EF44 (partial); 16EF45 (partial); 16EF48 (partial); 16EF12; 16EF46	22-0774 - A+R	Sparse-NA	Requires additional assessment
Sunset Ridge	N/A	N/A	N/A	Unassessed
Port Allen	N/A	N/A	N/A	Unassessed

[1] A+R = Assessment + Reconnaissance; Ph. I = Phase I (Identification); Ph. II = Phase II (Evaluation); Phase III (Mitigation).

Mitigation Site	Previously recorded Archaeological Sites within Parcel	Previous Survey within Parcel[1]	Previous Survey Coverage	Other Notes:
TPSB	N/A	N/A	N/A	Unassessed
Rosedale	N/A	22-2261 - A+R	only A+R	Requires additional assessment
Innis	N/A	N/A	N/A	Unassessed
Krotz	N/A	N/A	N/A	Unassessed
Bayou Vista	N/A	N/A	N/A	Unassessed
Albania North	N/A	N/A	N/A	Unassessed
Albania South	N/A	N/A	N/A	Unassessed
Cote Blanche	N/A	N/A	N/A	Unassessed
Amite MIT	16SH4	22-0801 (partial)	Only partial A+R	Project area largely unassessed. Heavily impacted by gravel mining though still contains some site potential
Joyce	N/A	N/A	N/A	Unassessed

Based on the aforementioned identification and evaluation, CEMVN has determined that there are multiple historic properties as defined in 36 CFR 800.16(l) within the APE (Table 3). At the present time it remains undetermined if many of the previously identified archaeological deposits (Table 3) are eligible for inclusion in the NRHP. Furthermore, many of the individual proposed TSP mitigation areas possess a high potential to contain additional un-recorded deposits and identification and evaluation for these properties is ongoing. Therefore, CEMVN has determined that that the proposed undertaking includes ground disturbing activities that have the potential to effect historic properties in a way that will directly or indirectly affect the characteristics that make the property eligible for the NRHP. However, no determination of effect under the NHPA is being made at this time. Following the completion of all identification and evaluation for each individual property, CEMVN will consider ways to revise the Scope of Work (SOW) to substantially conform to the standards, and/or avoid or minimize adverse effects for National Register listed or eligible historic properties and/or sites of religious or cultural Tribal significance.

Section 106 Consultation

CEMVN has determined that the proposed action constitutes an Undertaking as defined in 36 CFR § 800.16(y) and has the potential to cause effects on historic properties. At the feasibility level, there is insufficient funding and time to fully conduct all required NHPA cultural resources identification and evaluation and to determine any necessary avoidance, minimization, or mitigation measures in consultation with stakeholders and the agency is mandated by law to make a final decision on this undertaking within a timeframe that simply cannot accommodate the standard Section 106 process. Therefore, prior to approving the undertaking, the agency is proposing to develop a project-specific PA pursuant to 36 CFR § 800.14(b) in consultation with stakeholders in furtherance of CEMVN's Section 106 responsibilities for this undertaking as the federal agency cannot fully determine how the undertaking may affect historic properties, the location of historic properties, or their significance and character at the present time [36 CFR § 800.14(b)(1)(ii)].

The goal of this Section 106 consultation is to provide a framework for addressing this undertaking and establish protocols for continuing consultation with the LA SHPO, Tribal governments, and other stakeholders. The PA would identify consulting parties, define applicability, establish review timeframes, stipulate roles and responsibilities of stakeholders, summarize Tribal consultation procedures, consider the views of the SHPO/THPO and any other consulting parties, afford for public participation, develop programmatic allowances to exempt certain actions from Section 106 review, outline a standard review process for plans and specifications as they are developed, provide the measures CEMVN will implement to revise the APE in consultation with external stakeholders if necessary, determine an appropriate level of field investigation to identify and evaluate historic properties within the APE and determine the potential to affect historic properties and/or sites of religious and cultural significance, streamline the assessment and resolution of Adverse Effects through avoidance, minimization, and programmatic treatment approaches for mitigation, establish reporting frequency and schedule, provide provisions for post-review unexpected discoveries and unmarked burials, and incorporate the procedures for amendments, duration, termination, dispute resolution, and implementation. Following the execution of a PA, the Chief of Engineers may then proceed with making a final recommendation on the project and issuing a Finding of No Significant Impact (FONSI) in compliance with NHPA and NEPA. The PA would then govern CEMVN's subsequent NHPA compliance efforts.

Consulting Parties
This letter continues formal Section 106 consultation pursuant to 36 CFR § 800.3(c). In addition to the LA SHPO, USACE has identified the following Tribal governments as having an interest in the project: the ACTT, CN, CNO, CT, CTL, JBCI, MBCI, MCN, SNO, STF, and TBTL; the following non-federal organizations: the LA DOTD, ARBC, EBRP, CC, CPRA, and PLD; and the ACHP. USACE has not identified any other preservation interests. Should you know of additional Tribal governments or preservation groups, please do not hesitate to communicate these to USACE.

CEMVN proposes to send future notices, draft agreements, and other background information to consulting parties by e-mail to minimize communication delays and expedite the development of the PA. Please let CEMVN know if this is impractical, so we can make alternative arrangements.

Conclusion
In conclusion, no determination of effect under the NHPA is being made at this time. CEMVN is providing the available TSP information and seeking any information your office may wish to provide at this time concerning:

- The proposed undertaking and its potential to significantly affect historic properties and/or sites of religious and cultural significance;
- Any other relevant parties who you feel may have an interest in participating in this consultation.

Additionally, CEMVN requests your response regarding:

- Concurrence with CEMVN's proposed APE for the individual mitigation areas included in the TSP;

- Concurrence with CEMVN's proposal to develop a project-specific PA that establishes procedures to satisfy CEMVN's Section 106 responsibilities with regard to the programmatic review of this feasibility study;
- Your organization's interest in participating in the development of this PA.

CEMVN is forwarding this letter and the attached documentation to various consulting parties for their review and comments as required by 36 CFR §800.4(d)(1), and we request that these potential consulting parties provide comments within the 30 days provided for by 36 CFR 800. However, CEMVN proposes to hold an initial Section 106 consultation meeting via teleconference between the dates of **August 13th to the 15th 2019** based on the interested parties' availability. The purpose of the initial meeting will be to review the properties presently being considered as part of the TSP, the APE, gather feedback from your organization regarding the proposed undertaking and the potential to affect significant cultural/Tribal resources, and begin development of the PA. CEMVN will notify the SHPO, Tribes, and other likely consulting parties regarding the meeting as soon as possible and forward information regarding a conference call-in number and the agenda. If your organization would like to participate in the forthcoming consultation or has any information your agency wants to share at this point in time, we request that you notify CEMVN by email or mail within one (1) week; by **July 30, 2019**.

CEMVN looks forward to your organization's review of this information and working with you and your staff to ensure that CEMVN fulfills its historic preservation responsibilities in its treatment of significant historic properties and/or properties that may have traditional religious and cultural importance to Tribes. Should you have any questions or need additional information regarding this undertaking, please contact Jeremiah Kaplan, Archaeologist at Jeremiah.H.Kaplan@usace.army.mil or (504) 862-2004.

Sincerely,

for MARSHALL K. HARPER
Chief, Environmental Planning Branch

CC:File
LA SHPO
An electronic copy of this letter with enclosures will be provided to the Section 106 Inbox, section106@crt.la.gov.

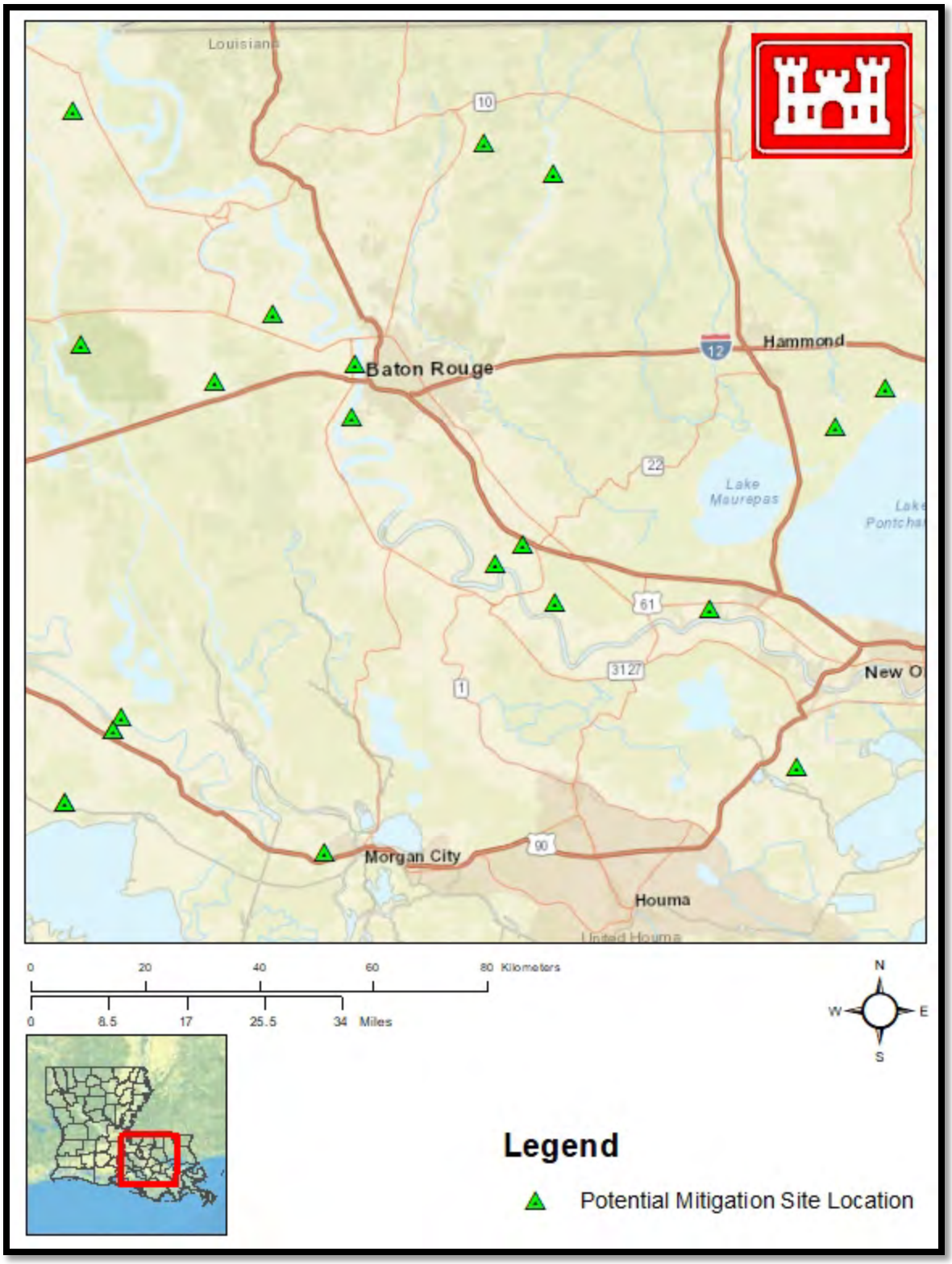


Figure 1. Map displaying location of potenital TSP mitigation areas.

PROGRAMMATIC AGREEMENT AMONG
THE U.S. ARMY CORPS OF ENGINEERS, NEW ORLEANS DISTRICT; AMITE RIVER BASIN COMMISSION; EAST BATON ROUGE PARISH; LOUISIANA COASTAL PROTECTION AND RESTORATION AUTHORITY; LOUISIANA DEPARTMENT OF TRANSPORTATION AND DEVELOPMENT; PONTCHARTRAIN LEVEE DISTRICT; LOUISIANA STATE HISTORIC PRESERVATION OFFICER OF THE DEPARTMENT OF CULTURE, RECREATION & TOURISM; AND CHOCTAW NATION OF OKLAHOMA; REGARDING THE BIPARTISAN BUDGET ACT OF 2018 COMPENSATORY HABITAT MITIGATION PROGRAM FOR THE COMITE RIVER DIVERSION, EAST BATON ROUGE PARISH WATERSHED FLOOD RISK MANAGEMENT, AND WEST SHORE LAKE PONTCHARTRAIN HURRICANE AND STORM DAMAGE RISK REDUCTION PROJECTS IN LOUISIANA

WHEREAS, the U.S. Army Corps of Engineers (USACE), New Orleans District (CEMVN) is conducting the present Compensatory Mitigation Program (BBA Mitigation Program; Undertaking) for the Comite River Diversion (Comite), East Baton Rouge Parish Watershed Flood Risk Management (EBR), and West Shore Lake Pontchartrain Hurricane and Storm Damage Risk Reduction (WSLP) Projects (Appendix A) with funding from the Bipartisan Budget Act of 2018 (BBA; Pub. L. 115-123), signed into law February 9, 2018. The Comite, EBR, and WSLP projects were previously authorized by other legislation; and

WHEREAS, the purpose of the BBA Mitigation Program is to compensate for habitat losses to be incurred during construction of the Comite, EBR, and WSLP, projects. Generally and to the extent possible, the mitigation projects will be implemented in the same coastal basin where the project impacts occur. The Comite Project is located in East Baton Rouge Parish, Louisiana. The EBR project is located in East Baton Rouge Parish, Louisiana. The WSLP project is located in southeast Louisiana, on the east-bank of the Mississippi River, in St. Charles, St. John the Baptist, and St. James Parishes. Presently, the mitigation projects need to compensate for two (2) habitat categories: Bottomland Hardwoods (BLH)-Wet and Swamp. Some of the construction projects are currently undergoing re-design; therefore, the impacts and mitigation needs could change; and

WHEREAS, CEMVN is the lead federal agency for purposes of the National Environmental Policy Act of 1969 (NEPA) and its implementing regulations, set out at 40 CFR parts 1500-1508 (43 FR 55978), “Section 106” of the National Historic Preservation Act (NHPA) [54 U.S.C. § 300101 et seq.], as amended (54 U.S.C. § 306108), and its implementing regulations, set out at 36 Code of Federal Regulations (CFR) Part 800, and in accordance with 36 CFR § 800.2(a)(2) and 800.8; and

WHEREAS, the Non-Federal Sponsors (NFS) for the Comite project are the Louisiana Department of Transportation and Development (LA DOTD) and the Amite River Basin Commission (ARBC). The NFS for the EBR project is East Baton Rouge Parish (EBRP). The NFS for the WSLP project are the Louisiana Coastal Protection and Restoration Authority (CPRA) and the Pontchartrain Levee District (PLD); and

WHEREAS, CEMVN has determined that implementing the BBA Mitigation Program may result in multiple Undertakings, as defined by 54 U.S.C. § 300320 and 36 CFR § 800.16(y), that may affect properties listed in or eligible for listing on the National Register of Historic Places (NRHP) pursuant to 36 CFR Part 60 (historic properties) and/or properties having religious and cultural significance to Tribes including sites that may contain human remains and/or associated cultural items; and

WHEREAS, because the scope and programmatic nature of the BBA Mitigation Program makes it unreasonable to fully identify historic properties or determine the effects of these Undertakings at the present time, CEMVN has concluded that a phased process to conduct identification and evaluation of historic properties (36 CFR § 800.4(b)(2)) and for application of the criteria of adverse effect (800.5(a)(3)), is an appropriate and necessary approach for the agency to meet the requirements of Section 106; and

WHEREAS, as the federal agency cannot fully determine how these Undertakings may affect historic properties, the location of historic properties, or their significance and character, CEMVN has elected to negotiate a Programmatic Agreement (PA) in consultation with stakeholders, as provided for in 36 CFR § 800.14(b)(1)(ii), to govern the implementation of this Program and fulfill its obligations under Section 106 of the NHPA including the resolution of adverse effects for these Undertakings; and

WHEREAS, in this PA, "Signatories" is defined in 36 CFR § 800.6(c)(1), "Invited Signatories" is defined in 36 CFR § 800.6(c)(2), and "Concurring Party" is defined in 36 CFR § 800.6(c)(3); and

WHEREAS, a Consulting Party will be recognized by CEMVN as a Signatory, Invited Signatory, or a Concurring Party starting on the date the Consulting Party signs this PA as a Signatory, Invited Signatory, or Concurring Party and provides CEMVN with a record of this signature; and

WHEREAS, in accordance with 36 CFR § 800.6(c)(1), a Signatory has the authority to execute, amend, or terminate the PA; and

Whereas, in accordance with 36 CFR § 800.6(c)(2), Invited Signatories who sign this PA are signatories with the authority to execute, amend, or terminate the PA; and

WHEREAS, in accordance with 36 CFR § 800.6(c)(3), a Concurring Party is a Consulting Party invited to concur in the PA but who does not have the authority to amend or terminate the PA; and

WHEREAS, in accordance with 36 C.F.R. § 800.6(a)(1), the Advisory Council on Historic Preservation (ACHP) has been provided the required documentation and invited to participate in this PA. On September 30, 2019, the ACHP provided written notice that it has chosen not to participate in the consultation; and

WHEREAS, pursuant to 36 C.F.R. § 800.6(b)(1), CEMVN has consulted with the Louisiana State Historic Preservation Officer of the Department of Culture, Recreation and Tourism (SHPO) regarding its intent to develop this PA and invited the SHPO to participate. SHPO accepted on July 31, 2019, and is a Signatory to this PA; and

WHEREAS, CEMVN has consulted with the NFS regarding the potential effects of the Undertakings on historic properties, and as the proponents of the Undertakings, are Invited Signatories to this PA; and

WHEREAS, CEMVN recognizes that the Alabama-Coushatta Tribe of Texas (ACTT), the Caddo Nation of Oklahoma (CN), the Choctaw Nation of Oklahoma (CNO), the Coushatta Tribe of Louisiana (CT), the Chitimacha Tribe of Louisiana (CTL), the Jena Band of Choctaw Indians (JBCI), the Mississippi Band of Choctaw Indians (MBCI), the Muscogee (Creek) Nation (MCN), the Seminole Nation of Oklahoma (SNO), the Seminole Tribe of Florida (STF), and the Tunica-Biloxi Tribe of Louisiana (TBTL) (collectively referenced as "Tribes"), may have sites of religious and cultural significance on or off Tribal Lands [as defined in 36 CFR § 800.16(x)] that may be affected by these Undertakings, and in meeting its Federal trust responsibility, CEMVN engaged in government-to-government consultation with Tribes via letter on July 03, 2019, and July 23, 2019. Pursuant to 36 CFR § 800.2 (c)(2)(ii)(E), and in consideration of the confidentiality of information, CEMVN has invited the Tribes to enter into an PA that specifies how CEMVN will carry out Section 106 responsibilities for these Undertakings; and

WHEREAS, the ACTT, CN, CNO, CT, CTL, JBCI, MBCI, MCN, SNO, STF, and TBTL have assumed the responsibilities of the SHPO with respect to its/their Tribal lands through appointment of a Tribal Historic Preservation Officer (THPO) in accordance with Section 101 of the NHPA and CEMVN will consult with the appropriate THPO in lieu of the SHPO for Undertakings occurring on or affecting its/their Tribal lands; and

WHEREAS, as of the date of this Agreement, no Tribes(s) have expressly declined to enter into this Agreement as a signatory party; and

WHEREAS, on August 08, 2019, the CNO submitted a written response to CEMVN's July 23, 2019, letter requesting to be a Consulting Party and is a Concurring Party to this PA.

WHEREAS, CEMVN may invite additional Tribes that have sites of religious and cultural significance to enter into the terms of this Agreement as Invited Signatories or Concurring Parties in accordance with 36 CFR § 800.14(f), and nothing in this Agreement prevents a Tribe from entering into a separate PA or other agreement with CEMVN; and

WHEREAS, the terms of this PA shall not apply to Undertakings on or affecting Tribal lands without prior execution of the PA by the affected Tribe; and

WHEREAS, on July 02, 2019, CEMVN posted a NHPA/NEPA Public Notice on the designated project website: (https://www.mvn.usace.army.mil/About/Projects/BBA-2018/Mitigation/) for a (15)-day comment period requesting the public's input concerning: 1) the proposed Undertaking and its potential to significantly affect historic properties; 2) assistance in identifying any relevant parties who may have an interest in participating in this consultation, and; 3) CEMVN's proposal to develop a PA pursuant to 36 CFR § 800.14(b). No comments were received; and

WHEREAS, for the review of specific Undertakings under this PA, CEMVN may invite other agencies, organizations, and individuals to participate as Consulting Parties; and

WHEREAS, Consultation among all Signatories, Invited Signatories, and Concurring Parties to

this PA will continue throughout the implementation of the PA. Consultation is mutual, meaningful dialogue regarding the fulfillment of this PA, the process of Section 106 compliance, and the treatment of historic properties that may be affected by CEMVN Undertakings; and

NOW, THEREFORE, CEMVN, SHPO, (Signatories), LA DOTD, ARBC, EBRP, CPRA, and PLD (Invited Signatories), and CNO (Concurring Party) agree that the Undertakings resulting from the BBA Mitigation Program shall be administered in accordance with the with the following stipulations in order to take into account the effects of the Undertakings on historic properties and to satisfy CEMVN's responsibilities under Section 106 of the NHPA for all resulting BBA Mitigation Undertakings:

STIPULATIONS

To the extent of its legal authority, and in coordination with other Signatories, Invited Signatories, and Concurring Parties, CEMVN will implement the following measures:

I. GENERAL

A. Applicability

1. If another Federal program or Federal agency has approved an Undertaking that lies wholly or partly within the BBA Mitigation Program APE within the past five (5)-years, and no new substantial information has been revealed, then Section 106 consultation and review is concluded for that portion of the BBA APE within this previous Undertaking provided that CEMVN:

    a) Confirms that the Area of Potential Effects (APE) and effect [as defined by 36 CFR § 800.16(i)] of its Undertaking are the same as that of the Undertaking reviewed by the previous agency, and;

    b) Determines that the previous agency complied with Section 106, including Tribal consultation, appropriately and;

    c) Adopts the findings and determinations of the previous agency.

2. CEMVN will document these findings in its project file in order to confirm that the requirements of Section 106 have been satisfied. Should CEMVN, in consultation with SHPO and participating Tribes, determine that the previous Section 106 review was insufficient or involved interagency disagreements about eligibility, effect, and/or resolution of adverse effects, CEMVN will conduct additional Section 106 consultation in accordance with the terms of this PA.

3. CEMVN has determined that the following types of activities have limited or no potential to affect historic properties and CEMVN has no further Section 106 responsibilities with regards to them, pursuant to 36 CFR § 800.3(a)(1):

    a) Administrative actions such as personnel actions, travel, procurement of services, supplies (including vehicles and equipment) for the support of day-to-day operational activities.

    b) Providing funding for planning, studies, and design and engineering costs that involve no commitment of resources other than staffing and associated funding.

    c) Funding the administrative action of acquiring properties, including the real estate transactions and transfers.

    d) Surveying, monitoring, data gathering, and reporting in support of planning activities (e.g., soil survey testing, conducting geotechnical boring investigations or other geophysical and engineering activities) provided that such testing is shifted to avoid impacts to known cultural resources and that soil survey and geotechnical testing of sediment utilizes hand-dug test pits, hand probes, cores, and/or augers. If heavy equipment (i.e., backhoes, tractors, excavators, etc.) will be used as part of the testing process, then the activities are considered to have potential to affect historic properties. Under such circumstances, Section 106 consultation will be required in accordance with Stipulation II.E.1.

    e) Demarcation of project areas and resources (e.g., cultural sites, wetlands, threatened and endangered species habitat).

B. Timeframes and Communications

1. All references to time periods in this PA are in calendar days. If a review period included in this PA ends on a Saturday, Sunday, or State/Federal holiday, the review period will be extended until the next business day. Any electronic communication forwarding plans or other documents for review under the terms of the PA that is sent after 4:00 pm Central Time will be deemed to have been received by the reviewing party on the next business day. E-mail comments submitted by a Signatory, Invited Signatory, or Concurring Party for review under this PA are timely if they are received at any time on the last day of a review period. Responses sent by U.S. mail will be accepted as timely if they are postmarked by the last day allowed for the review.

2. CEMVN will provide the Signatories, Invited Signatories, and Concurring Parties with the opportunity to review and comment on various documents and reports as specified under the terms of the PA. Determinations or reviews that have been completed by CEMVN under the terms of this PA prior to the signature of a Signatory, Invited

Signatory, or Concurring Party will not be reconsidered because the Consulting Party did not have the opportunity to review and comment.

3. The Signatories, Invited Signatories, and Concurring Parties may send and accept official notices, comments, requests for further information and documentation, and other communications required by this PA by electronic mail (e-mail). If the size of an e-mail message is unusually large or an e-mail is returned to a sender because its size prevents delivery, the sender will contact the recipient(s) and determine alternative methods to deliver the information.

4. Time sensitive information that is not sent by e-mail should be sent by overnight mail, courier, or be hand-delivered and the timeframe for its review will be measured by the date the delivery is signed for by the individual recipient, agency, or organization representing the Signatory, Invited Signatory, or Concurring Party.

5. Due to the varied nature of Undertakings, the individual response times to CEMVN's requests for comment or concurrence will vary. These response times are contingent upon CEMVN ensuring that its findings and determinations are made by *Qualified Staff* as defined in Stipulation II.A.1(a) and supported by documentation as required by 36 CFR § 800.11(d) and 36 CFR § 800.11(e), and consistent with CEMVN guidance.

6. The response time for each request for comment or concurrence shall be a maximum of thirty (30)-days, unless otherwise stipulated in this PA or agreed to on a case-by-case basis.

7. The failure of any Signatory, Invited Signatory, or Concurring Party to comment or concur on CEMVN's finding or determination within an agreed upon timeframe, will be treated by CEMVN as non-objection, and CEMVN may proceed to the next step in the consultation process without taking additional steps to seek comments from that party.

C. Points of Contact

1. The Signatories, Invited Signatories, and Concurring Parties of this PA will each designate a primary and secondary point of contact (see Appendix A). The primary contact is the contact to which all formal correspondence is sent. If the individual designated as the primary point of contact is not available, communications shall be directed to the secondary contact.

2. It is the responsibility of each Signatory, Invited Signatory, and Concurring Party to inform CEMVN of any changes in the name, address, e-mail address, or phone number of the point-of-contact. Such changes shall not require an amendment to this PA. CEMVN will forward this information to the other Consulting Parties by e-mail. The failure by any party to this PA to notify CEMVN of changes to their point-of-contact's

information shall not be grounds for asserting that notice of a proposed action was not received.

D. Confidentiality

1. In accordance with 36 CFR § 800.6(a)(5), if an Indian Tribe requests that specific information shared with CEMVN be kept confidential, or if the agency official believes that there are other reasons to withhold information, CEMVN will comply to the extent allowed by law.

2. CEMVN will safeguard information about historic properties provided by SHPO and/or sites of traditional, religious, and/or cultural importance to Tribes, including location information or non-public information provided by SHPO/Tribes to assist in the identification of such properties, to the extent allowed by Section 304 of NHPA (54 U.S.C. § 307103), and other applicable laws. In accordance with Stipulation II.A.1(a) only *Qualified Staff* will be afforded access to protected historic property information.

3. CEMVN will provide to all Consulting Parties the documentation specified in 36 CFR § 800.11 subject to the confidentiality provisions of 36 CFR § 800.11(c) and such other documentation as may be developed during consultation to resolve adverse effects.

E. Roles and Responsibilities of the Signatories

1. CEMVN:

    a) Will not authorize implementation of an individual Undertaking until Section 106 review is completed pursuant to this PA.

    b) Will notify and consult with the SHPO, Tribes, and other Consulting Parties, as appropriate. Consultations may include face-to-face meetings, as well as communications by U.S. mail, e-mail, facsimile, and/or telephone. Times and places of meetings, as well as an agenda for meetings, will be developed with mutual acceptance and done in a timely manner.

    c) Will consult with any Tribe on a government-to-government basis in recognition of their sovereign status, whether a signatory to this PA or not, throughout any activity or Undertaking that might affect historic properties; particularly in regards to sites that may have traditional, religious, and/or cultural importance to Tribes. In meeting its Federal trust responsibility, CEMVN alone will conduct all government-to-government consultation with Tribes.

    d) Will be responsible for determining the APE, identifying historic properties located within the APE, providing NRHP eligibility determinations, and findings of

effect, in consultation with SHPO, Tribes, and other Consulting Parties.

e) Will ensure all Cultural Resources review is conducted by staff meeting the *Professional Standards* as outlined in Stipulation II.A.1(c).

f) Will ensure that all documentation generated as part of the NHPA process resulting from these Undertakings will be consistent with applicable *Standards* (Stipulation II.A.1(b)) and confidentiality provisions outlined in Stipulation I.D.

g) Will provide to the appropriate NFS, a written record of all stipulations and conditions pursuant to this agreement regarding the subject real property that the NFS has jurisdiction over and ensure that they are understood. Additionally, CEMVN will provide the NFS with guidance on the treatment of any historic properties, if applicable.

h) Will provide the other Signatories and ACHP with an annual report for each year that this PA is in effect as outlined in Stipulation IV.E.1.

2. SHPO/THPO(s):

a) Will coordinate with CEMVN, to identify Consulting Parties, including any communities, organizations, or individuals that may have an interest in a specific Undertaking and its effects on historic properties.

b) Will review CEMVN's determination of the APE, NRHP eligibility, findings of effect, and respond within timeframes required by this PA.

c) Upon request, SHPO will provide CEMVN and/or its designee(s) with available information about historic properties (such as access to site files, GIS data, survey information, geographic areas of concern). Only *Qualified Staff* and/or designee(s) will be afforded access to protected historic property information.

d) For CEMVN Undertakings on Tribal lands or affecting properties of religious and cultural significance, and where no tribe-specific consultation agreements or protocols are in place, CEMVN will consult with affected Tribes in accordance with 36 CFR Part 800. In determining the specific Tribes affected, CEMVN will first establish that it is a type of Undertaking with potential to affect historic properties with religious and cultural significance and may consult with SHPO, Tribes, any State Tribal Agency, and access the National Park Service (NPS) Native American Consultation Database, the list of Tribal Areas of Interest in the State of Louisiana, http://www.crt.state.la.us/Assets/OCD/archaeology/nativeamericancontacts/NatAmContacts.pdf, or other tools to identify geographic Tribal interests.

e) Will participate in reviews of Undertakings and consultation meetings as needed and any other roles appropriate to the completion of the goals of this PA. In those instances where consultation with SHPO/THPO(s) has occurred, CEMVN will document any decisions that were reached in its project file.

f) Will review the annual report provided by CEMVN and will recommend any actions or revisions to be considered; including updates to the appendices in accordance with Stipulation IV.E.2.

g) Will participate in meetings convened by CEMVN or any other Signatory, Invited Signatory, or Concurring Party to review the effectiveness of this PA.

3. NFS:

a) Will coordinate with CEMVN, to identify Consulting Parties, including any communities, organizations, private land owners, or other individuals that may have an interest in a specific Undertaking and its effects on historic properties.

b) Will participate in meetings as needed and any other roles appropriate to the completion of the goals of this PA.

c) Agrees comply with all stipulations and conditions pursuant to this PA regarding real property under its ownership, authority, control, or political jurisdiction that is being investigated or used for the BBA Mitigation Program.

d) Agrees that, to the greatest extent practicable, it will consider any guidance regarding the treatment of historic properties provided by CEMVN or other Consulting Parties in future planning regarding the subject real property.

e) Will review the annual report provided by CEMVN and will recommend any actions or revisions to be considered; including updates to the appendices in accordance with Stipulation IV.E.2.

f) Will participate in meetings convened by CEMVN or any other Signatory, Invited Signatory, or Concurring Party to review the effectiveness of this PA.

g) Will assist in determining the final disposition of any recovered archaeological collections from a CEMVN-funded archaeological survey, evaluation, Standard Treatment Measure (STM) or project-specific Memorandum of Agreement (MOA) Treatment Measure (TM), or post-review discovery, in accordance with Stipulation III.D(1) of this PA and will coordinate with any private land owners regarding State of Louisiana *Archaeological Collection Donation Forms*, if necessary.

4. ACHP:

    a) Will review any Adverse Effect (AE) determination as required in CFR § 800.6(a)(1).

    b) Will participate in dispute resolution as required by Stipulation IV.B of this PA.

F. Public Participation

1. To date, CEMVN has undertaken the public outreach and participation activities which have been memorialized in “Whereas” clauses found in this PA.

2. It is the intent of NEPA that federal agencies encourage and facilitate public involvement to the extent practicable in decisions that may affect the quality of the environment. CEMVN will also provide public notices and the opportunity for public comment or participation on any Undertaking through the NEPA public participation process, and if applicable, Executive Order 12898 (Environmental Justice) provided such notices specifically reference Section 106 as a basis for public involvement.

3. CEMVN recognizes that the views of the public are essential to informed decision making throughout the Section 106 consultation process. CEMVN will notify the public of proposed Undertakings, the implementation of STM or project-specific MOA TM as required by this PA in a manner that reflects the nature, complexity, and significance of historic properties potentially affected by the Undertaking and the likely public interest given CEMVN’s specific involvement.

4. CEMVN may confer with other Consulting Parties to determine if there are individuals, groups, or organizations with a demonstrated interest in historic properties that should be included as a Consulting Party for any specific Undertaking in accordance with 36 CFR § 800.2(c)(5). If such parties are identified, or identify themselves to CEMVN, CEMVN will provide them with information regarding the Undertaking and its effects on historic properties, consistent with the confidentiality provisions of Stipulation I.D of this PA.

5. CEMVN will ensure that reasonable time frames for public comment are afforded and will consider all views provided by the public regarding any specific Undertaking. CEMVN will provide contact information and accept responses to its requests for public comments through the U.S. mail or e-mail submittals.

6. Should a member of the public object to implementation of the PA’s terms, CEMVN will notify the other Consulting Parties by e-mail and take the objection into consideration. CEMVN will consult with the objecting party and, if that party so requests, the other Signatories, for not more than fifteen (15)-days. In reaching its decision regarding the objection, CEMVN will take into consideration all comments from these parties. Within

fifteen (15)-days after closure of this consultation period, CEMVN will provide the other Consulting Parties with its final decision in writing.

7. Additional opportunities for NEPA participation and NEPA-related public comment will be relayed through appropriate means (e.g., postings, publications, social media), as is applicable.

II. PROJECT REVIEW

A. Standards

1. This PA uses the definitions presented in the subsequent paragraphs to establish standards for performing all cultural resource project reviews and investigations required under the terms of this PA including, but not limited to, site identification, NRHP eligibility evaluations, and as appropriate, STM or MOA TM for the resolution of adverse effects to historic properties:

    a) "*Qualified Staff* " - shall mean staff who meet, at a minimum, the SOI *Professional Qualifications Standards* set forth at 48 FR 44738 (September 29, 1983), for History, Archaeology, Architectural History, Architecture, or Historic Architecture (https://www.nps.gov/history/local-law/arch_stnds_9.htm) and the appropriate qualifications presented in *Professional Qualifications* (36 CFR Part 61, Appendix A).

    b) "*Standards*" — shall mean the Secretary of the Interior's (SOI) *Standards and Guidelines for Archaeology and Historic Preservation* [Federal Register 48(190) 1983:44716-44737] (https://www.nps.gov/history/local-law/arch_stnds_0.htm).

    c) *"Professional Standards"* — shall mean that all cultural resource investigations shall be performed by, or under the direct (in-field) supervision of appropriate professional(s) or by contractors, who are "*Qualified Staff*."

    d) "*Field and Reporting Standards*" — CEMVN shall ensure that all fieldwork and documentation resulting from Undertakings reviewed pursuant to this PA are consistent with all applicable Louisiana Division of Archaeology (LDOA) *Field Standards* (https://www.crt.state.la.us/cultural-development/archaeology/CRM/section-106/field-standards/index) and *Reporting Standards* (https://www.crt.state.la.us/cultural-development/archaeology/CRM/section-106/report-standards/index), and the Louisiana Division of Historic Preservation (LDHP) *Louisiana Historic Resource Inventory Guidelines* (https://www.crt.state.la.us/Assets/OCD/hp/standing-structures-survey/SurveyGuidelines.pdf), or the most current versions located on the Louisiana Office of Cultural Development website.

e) "*Policies and Guidelines*" — shall mean guidance from any of the following:

- The National Park Service publication The Archaeological Survey: Methods and Uses (National Park Service 1978);
- ACHP's *Treatment of Archeological Properties: A Handbook* (1980; https://www.achp.gov/sites/default/files/documents/2018-11/Treatment%20of%20Archeological%20Properties-A%20Handbook-OCR.pdf);
- *Identification of Historic Properties: A Decision-making Guide for Managers* (1988, joint ACHP-NPS publication);
- *Consulting About Archeology Under Section 106* (1990);
- ACHP's *Recommended Approach for Consultation on Recovery of Significant Information from Archeological Sites* (1999);
- ACHP's *Policy Statement Regarding the Treatment of Burial Sites, Human Remains and Funerary Objects* (2007; https://www.achp.gov/sites/default/files/2018-06/FactSheetPolicyRegardingTreatmentofBurialSitesHumanRemainsandFuneraryObjects.pdf);
- ACHP's *Section 106 Archaeology Guidance: A reference guide to assist federal agencies in making effective decisions about archaeological sites* (2009; https://www.achp.gov/sites/default/files/guidance/2017-02/ACHP%20ARCHAEOLOGY%20GUIDANCE.pdf);
- ACHP's *Section 106 Archaeology Guidance* (2009; https://www.achp.gov/sites/default/files/guidance/2017-02/ACHP%20ARCHAEOLOGY%20GUIDANCE.pdf);
- SOI's *Standards and Guidelines for Archaeology and Historic Preservation* (48 FR 44716-42, September 29, 1983); and
- *National Register Bulletin 38, Guidelines for Evaluating and Documenting Traditional Cultural Properties* (1998).

2. In developing Scopes of Work (SOW) for identification and evaluation studies, STM or MOA TM(s), or any other stewardship activities required under the terms of this PA, CEMVN, will comply with the requirements of the *Standards*, *Professional Standards*, *Field and Reporting Standards*, and the *Policies and Guidelines*, as in existence at the time they are performed.

B. Standardized Project Review

1. For Undertakings not exempt from further Section 106 review under Stipulation I.A., CEMVN will ensure that the standardized project review steps are implemented (Stipulations II.C-H).

C. Defining the Undertaking

1. Plans and specifications for individual Undertakings implemented under this PA will be submitted to the SHPO, Tribes, and interested Consulting Parties, at the 35% or greater level of completion along with a narrative description of the Undertaking. Updated plans and specifications and narrative descriptions will be provided only if the construction footprint or scope of project changes after development of the 35% level design. If there are no subsequent revisions to the construction footprint or scope of project, additional plans and specifications will be provided only upon written request.

D. Area of Potential Effects

1. For each Undertaking implemented under this PA, and in consultation with SHPO and participating Tribes, Qualified CEMVN staff will determine the APE in accordance with 36 CFR § 800.16(d). CEMVN may consider additional information provided by other parties, such as the NFS, local governments, and the public, when establishing the APE.

2. The APE will incorporate both direct effects (e.g., access, staging, and construction areas) and indirect effects (e.g., visual), including all areas to be impacted by construction activities.

3. At the feasibility level of design, the APE for each individual mitigation area is conceptual; CEMVN acknowledges that the APE(s) could change as further design is completed. In accordance with Stipulation II.B.1 of this PA, the PA includes a standardized review process for plans and specifications as they are developed, and therefore; changes to the APE may be warranted as the pre-construction design is further refined. If necessitated, CEMVN will re-initiate consultation to revise the APE in accordance with the PA and ensure that SHPO and Tribes are provided the opportunity to comment as defined under Stipulation II.D.1.

4. CEMVN will provide to SHPO and participating Tribes, a map displaying the APE for each Undertaking and provide any pertinent background information relevant to CEMVN's determination of the APE. SHPO and Tribes will provide comment and/or concurrence on the proposed APE within the timeframes outlined in Stipulation I.B.

E. Identification and Evaluation of Historic Properties

1. In consultation with SHPO and Tribes, as appropriate, CEMVN will complete the identification and evaluation of historic properties within the APE prior to the approval of an individual Undertaking in accordance with 36 C.F.R. § 800.4(a-c).

2. Cultural Resource Investigation and Evaluation:

    a) CEMVN will make a reasonable and good faith effort to identify historic properties [as defined at 36 CFR § 800.16(l)(1)] in accordance with 36 CFR § 800.4(b)(1).

CEMVN may consult with SHPO and Tribes to determine the level of effort, methodology necessary to identify and evaluate a variety of historic property types. For properties of religious and cultural significance to affected Tribes, CEMVN will consult with the affected Tribes to determine geographical areas containing them that may be affected by an Undertaking and determine the necessary level of effort to identify and evaluate or avoid any such historic properties.

b) CEMVN will take the appropriate measures necessary to identify historic properties within the APE including, but not limited to: buildings; structures; archeological sites (including shipwrecks and/or and properties of traditional religious and cultural importance to Tribes); prehistoric or historic districts; objects; cemeteries or other sites that may contain human remains, funerary objects, sacred objects, or objects of cultural patrimony; and Traditional Cultural Properties (TCP); including artifacts, records, and remains that are related to and located within such properties and that meet the National Register (NR) criteria.

c) When CEMVN identifies an Undertaking with the potential to affect a National Historic Landmark (NHL), CEMVN will contact the National Park Service (NPS) NHL Program Manager of the Southeast NPS Regional Office in addition to SHPO, participating Tribes, and other Consulting Parties. The purpose of this notification is to ensure early coordination for the Undertaking which CEMVN later may determine adversely affects the NHL.

d) All cultural resource surveys will be implemented on a schedule established to accommodate all field investigations and appropriate SHPO and Tribal review prior to the approval of an Undertaking. CEMVN will provide all documentation for these efforts to the SHPO, Tribes, or other Consulting Parties, as appropriate, consistent with the confidentiality provisions of Stipulation I.D of this PA.

3. Background Research:

a) CEMVN will ensure that background research is conducted as per the *Standards* and will entail a review of primary and secondary sources relevant to the environmental, geological, and cultural processes that have influenced the study area to gain an understanding of resource sensitivity, determine the kinds of resources that might be identified within the study area, develop research questions, guide fieldwork, and to facilitate the evaluation of resources using the NR Criteria. Research materials consulted may include, but are not limited to, information provided by Consulting Parties and the public, the NRHP database, the LDOA *Louisiana Cultural Resources Map* (LDOA Website), historic maps, pertinent regional and local cultural resources investigations, historic aerial photography, and other appropriate sources.

4. Identification and Evaluation of Archaeological Resources:

    a) CEMVN will ensure that previous fieldwork and background information is reviewed in conjunction with the APE to guide the level of field efforts necessary for each Undertaking and will attempt to re-identify all previously recorded archaeological sites and determine what, if any, additional fieldwork is necessary.

    b) In consultation with SHPO and Tribes, survey methods may appropriately exclude land shown to be recently disturbed to an extent that it is unlikely that cultural resources would possess integrity sufficient to be considered eligible for listing on the NRHP. Documentation for excluding such land will be provided in the cultural resource survey report.

    c) If the Phase I level of effort does not provide adequate information to provide eligibility recommendations for any archaeological sites identified within the APE, CEMVN will conduct Phase II Investigation sufficient to provide conclusive eligibility recommendations and meet the *Standards*. The intent of Phase II Investigation is to determine the eligibility of a site for listing on the NRHP utilizing the least amount of ground disturbance to obtain the necessary information.

    d) CEMVN will ensure that a LDOA Archaeological Site Form is completed for any newly identified archaeological site. Forms for previously recorded sites will be updated as is necessary.

    e) CEMVN will ensure that any new and updated LDOA Sites Form for a given project are accepted as final prior to any draft report submittal.

5. Identification and Evaluation of Built Environment Resources:

    a) CEMVN will ensure that an inventory of all above-ground structures or properties within the APE over forty-five (45)-years of age, along with any structures that may possess exceptional significance, is completed that includes a brief architectural description, at least two (2) photos (including primary elevation), and provides the details necessary to determine a site's limits/boundaries, function, and/or integrity. A forty-five (45)-year threshold anticipates that the Undertaking commences no more than five (5)-years after an inventory's completion. Site-specific research will be limited to what is necessary for CEMVN to conduct a professional NR eligibility evaluation.

    b) CEMVN will ensure that all elements of the built environment that are surveyed will be evaluated according to guidelines set forth in 36 CFR § 800.4(c)(1), as well as additional guidance provided in National Register Bulletin 15: *How to Apply the National Register Criteria for Evaluation*.

c) All submissions will utilize the LDHP's *Louisiana Historic Resource Inventory* (LHRI) system.

d) CEMVN will ensure that all LHRI forms for a given project are accepted as final prior to any draft report submittal.

6. All fieldwork and reporting will meet the *Field and Reporting Standards* as defined in Stipulation II.A.1(d).

F. Determinations of Eligibility and Effect

1. CEMVN will review any NRHP eligibility recommendation based on identification and evaluation efforts and make its own finding of effect resulting from the performance of these activities prior to submitting such determinations to the SHPO, Tribes, and other Consulting Parties.

2. CEMVN will determine NRHP eligibility, and consult with SHPO, participating Tribes, and other Consulting Parties regarding these determinations. Should SHPO, participating Tribes, or another Consulting Party disagree with the determination of eligibility, CEMVN will either:

    (1) Elect to consult further with the objecting party until the objection is resolved;

    (2) Treat the property as eligible for the NRHP; or

    (3) Obtain a determination of eligibility from the Keeper of the NR in accordance with 36 CFR § 63.2(d-e) and 36 CFR § 800.4(c)(2).

3. Findings of No Historic Properties Affected:

    a) CEMVN will make a finding of "No Historic Properties Affected" under the following circumstances:

        (1) If no historic properties are present in the APE; or

        (2) The Undertaking is designed to avoid effects to historic properties, including NRHP-listed or eligible properties of religious or cultural significance to participating Tribes; or

        (3) The Undertaking does not affect the character defining features of a historic property.

b) CEMVN will notify SHPO and participating Tribes(s) and provide supporting documentation in accordance with 36 CFR § 800.11(d) and applicable *Standards*. Unless SHPO or a participating Tribes objects to the finding within the applicable timeframes outlined in Stipulation I.B, the Section 106 review of the Undertaking will have concluded.

c) If SHPO or participating Tribes, objects to a finding of "No Historic Properties Affected," CEMVN will consult with the objecting party to resolve the disagreement:

(1) If the objection is resolved, CEMVN either may proceed with the Undertaking in accordance with the resolution or reconsider effects on the historic property by applying the criteria of adverse effect pursuant to Stipulation II.F.4.

(2) If CEMVN is unable to resolve the disagreement, it will forward the finding and supporting documentation to the ACHP and request that the ACHP review CEMVN's finding in accordance with 36 CFR § 800.4(d)(1)(iv)(A) through 36 CFR § 800.4(d)(1)(iv)(C). CEMVN will consider ACHP's recommendation in making its final determination. If CEMVN's final determination is to reaffirm its "no historic properties affected" finding, the Section 106 review of the Undertaking will have concluded. Otherwise, CEMVN will proceed to Stipulation II.G.

4. Application of the Criteria of Adverse Effect:

a) If CEMVN finds an Undertaking may affect historic properties in the APE, including those of religious or cultural significance to affected Tribes, CEMVN will apply the criteria of adverse effect to historic properties within the APE including cumulative effects taking into account the views of the Consulting Parties and the public concerning effects in accordance with 36 CFR § 800.5(a).

b) If CEMVN determines that an Undertaking does not meet the adverse effect criteria, CEMVN will propose a finding of "No Adverse Effect" in accordance with 36 CFR § 800.5(b):

(1) CEMVN will notify SHPO and participating Tribes, and all other Consulting Parties of its finding; describe any project specific conditions and future submissions; and provide supporting documentation pursuant to 36 CFR §800.11(e).

(2) Unless a Consulting Party objects within the applicable timeframe outlined in Stipulation I.B CEMVN will proceed with its "No Adverse Effect" determination and conclude the Section 106 review.

(3) If a Consulting Party objects to a finding of "No Adverse Effect," CEMVN will consult with the objecting party to resolve the disagreement.
(4) If the objection is resolved, CEMVN will proceed with the Undertaking in accordance with the resolution; or

(5) If the objection cannot be resolved, CEMVN will request that ACHP review the findings in accordance with 36 CFR § 800.5(c)(3)(i)-(ii) and submit the required supporting documentation. CEMVN will consider ACHP's comments in making its final determination.

c) If CEMVN finds the Undertaking may adversely affect historic properties, CEMVN will seek ways to revise the scope of the project to substantially conform to the *Standards*, and/or avoid or minimize adverse effects for NRHP-listed or eligible historic properties and/or properties of religious or cultural significance to Tribes, or TCP(s) as is outlined in Appendix C; STM I.A: *Design Review*.

d) If CEMVN determines in consultation with SHPO and Tribes(s), as appropriate, that an Undertaking has a low potential to effect archaeological resources, CEMVN may determine "No Adverse Effect," and may require archaeological monitoring of construction activities. In these instances, an archaeological monitoring plan will be developed in consultation with SHPO and participating Tribes prior to construction.

e) If an Undertaking is not modified to avoid the adverse effect(s), CEMVN will initiate consultation to resolve the adverse effect(s) in accordance with Stipulation II.G.

G. Resolution of Adverse Effects

1. If CEMVN determines that an Undertaking may adversely affect a historic property, it will resolve the effects of the Undertaking in consultation with SHPO, NFS, participating Tribes, ACHP (if participating), and other Consulting Parties, by one (1) of the following methods depending upon the severity of the adverse effect(s), as well as determination of the historic property's significance on a local, state, or national level. When CEMVN determines an Undertaking will adversely affect an NHL, CEMVN will notify and invite the Secretary and ACHP to participate in consultation in accordance with 36 CFR § 800.10. When ACHP participates in consultation related to an NHL, ACHP will report the outcome of the consultation to the Secretary and the CEMVN Administrator.

2. Abbreviated Consultation Process

a) After taking into consideration the significance of the historic properties affected, the severity of the adverse effect(s), and avoidance or minimization of the adverse effect(s), CEMVN may propose in writing to the Consulting Parties to resolve the

adverse effects of the Undertaking through the application of one or more STM(s) outlined in Appendix C as negotiated with SHPO, participating Tribes, and other Consulting Parties. The use of these STM(s) may not require the execution of a project-specific MOA.

b) In consultation with SHPO, participating Tribes, and other Consulting Parties, CEMVN will propose in writing the implementation of a specific STM, or combination of STMs, with the intent of expediting the resolution of adverse effects, and provide documentation as required by 36 CFR § 800.11(e) subject to the confidentiality provisions of 36 CFR § 800.11(c)). Unless a Consulting Party or ACHP objects to CEMVN's proposal within the timeframe outlined in Stipulation I.B, CEMVN will proceed with the implementation of the STM(s) and will conclude the Section 106 review.

c) If any of the Consulting Parties or ACHP objects within the timeframe outlined in Stipulation I.B to the resolution of adverse effects through the application of the Abbreviated Consultation Process, CEMVN will resolve the adverse effect(s) using procedures outlined below in Stipulation II.G.3.

d) Because funding and implementation details of STMs for specific Undertakings may vary by program, CEMVN will provide written notice to the Consulting Parties within sixty (60)-days of the completion of the STM(s). This written notice will serve as confirmation that the STM(s) for a specific Undertaking have been implemented. CEMVN also will include information pertaining to the progress and completion of STMs in the annual report pursuant to Stipulation IV.E.

3. Project-Specific Memorandum of Agreement

a) CEMVN will provide ACHP with an adverse effect notice in accordance with 36 CFR § 800.6(a)(1) if it has not already provided such under the Abbreviated Consultation Process of this Agreement. If a Consulting Party or ACHP objects in accordance with Stipulation IV.B, or if CEMVN in consultation with SHPO, participating Tribes, and other Consulting Parties has determined that a project-specific MOA would be more appropriate to resolve the adverse effects. In consultation with SHPO, participating Tribes, and other Consulting Parties, including ACHP (if participating), CEMVN will develop a project-specific MOA, in accordance with 36 CFR § 800.6(c) to agree upon a TM to avoid, minimize, and/or mitigate adverse effects on historic properties.

4. Objections

a) Should any Consulting Party object within the timeframes established by this PA to any plans, specifications, or actions taken pursuant to resolving an adverse

effect, CEMVN will consult further with the objecting party to seek resolution in accordance with Stipulation IV.B.

H. Reports

1. CEMVN will ensure that all reports and other documents resulting from the actions pursuant to this PA will be provided in a format acceptable to SHPO and Tribes, as appropriate. CEMVN will ensure that all such reports (e.g., identification surveys, evaluation reports, treatment plans, and data recovery reports) meet or exceed the Department of the Interior's *Format Standards for Final Reports of Data Recovery* (42 FR 5377-79) and the *Field and Report Standards* identified in Stipulation II.A.1(d).

2. CEMVN will provide all documentation for these efforts to SHPO, Tribes, or other Consulting Parties, as appropriate, consistent with the confidentiality provisions of Stipulation I.D. of this PA.

3. Once supporting documentation is received, SHPO and Tribes will have thirty (30)-days to review supporting documentation (e.g., site forms and reports). If SHPO or Tribes intend to review and comment on documentation, and are unable to do so within the thirty (30)-day review period, a request for additional review time must be made in writing to CEMVN and specify the anticipated completion date. CEMVN will consider the request and work with the requesting party to come to a mutually agreeable timeframe. CEMVN will notify other Consulting Parties of the extinction by e-mail.

III. OTHER CONSIDERATIONS

A. Changes to an Approved Scope of Work

1. If CEMVN determines the change has no potential to affect the property or the previous effect determination is still applicable, CEMVN will approve the change.

2. If CEMVN determines that the change can be modified to conform to any applicable *Standards*, or a previously determined finding of effect is still applicable, CEMVN will conclude its Section 106 review responsibilities.

3. If CEMVN determines that the change may cause additional effects to the property; does not conform to any applicable *Standards*; or changes a previously determined finding of effect, CEMVN will initiate consultation pursuant to Stipulation II.B.1.

B. Provisions for Post-Review Discoveries

1. If previously unreported properties that may be eligible for nomination to the NR or of significance to Tribes, and/or, unanticipated effects on historic properties are found during

the construction phase, CEMVN will implement the provisions outlined below that are intended to ensure that the Undertaking is in compliance with all applicable federal and state laws and regulations, including Section 106 of the NHPA:

2. If there is no reasonable expectation that the property contains human remains, funerary objects, sacred objects, or objects of cultural patrimony, all work within a fifty (50) meter (164 ft) radius buffer zone must stop immediately. CEMVN will notify SHPO and Tribes, as appropriate, as well as any other affected party, of the discovery, and implement interim measures to protect the discovery from theft and vandalism. Construction may continue outside the fifty (50) meter (164 ft) radius buffer zone. Within seventy-two (72) hours of receipt of notification of the discovery, CEMVN, as appropriate, will:

    a) Inspect the work site to determine the extent of the discovery and ensure that work activities have halted within the fifty (50) meter (164 ft) radius buffer zone;

    b) Clearly mark the area of the discovery;

    c) Implement additional measures, as appropriate, to protect the discovery from theft and vandalism; and

    d) Provide an initial assessment of the site's condition and eligibility to SHPO and Tribes; and

    e) Notify other Consulting Parties, if applicable, of the discovery.

3. If CEMVN, in consultation with SHPO, Tribes, and other Consulting Parties, as appropriate, determines the site is either isolated, does not retain integrity sufficient for listing on the NRHP, or will not be further disturbed by construction activities, construction may resume within the fifty (50) meter (164 ft) radius buffer zone.

4. If CEMVN determines that the cultural resource site or artifact either is, or may be, eligible for inclusion on the NRHP, CEMVN will consult with the SHPO, Tribes, and other Consulting Parties, as appropriate, regarding appropriate measures for site treatment pursuant to 36 C.F.R. § 800.6(a). SHPO and Tribes will have seven (7)-days to provide their objections or concurrence on the proposed actions. These measures may include:

    a) Formal archaeological evaluation of the site;

    b) Visits to the site by SHPO and/or Tribes;

    c) Exploration of potential alternatives to avoid the site;

    d) Preparation and implementation of a mitigation plan by CEMVN in consultation and concurrence with the SHPO, Tribes, and other Consulting Parties, as appropriate.

5. The notified Consulting Parties will have seven (7)-days following notification to provide comment regarding CEMVN's determination of the NRHP eligibility of the discovery.

6. A report of findings describing the background history leading to and immediately following the reporting and resolution of an inadvertent discovery will be prepared within thirty (30)-days of the resolution of each inadvertent discovery.

7. CEMVN will communicate the procedures to be observed with its contractors and personnel.

C. Treatment of Human Remains, Funerary Objects, Sacred Objects, and Objects of Cultural Patrimony

1. In the event that previously unreported and unanticipated human remains, burials, funerary objects, sacred objects, or objects of cultural patrimony are encountered during field investigations, laboratory work, or during construction or maintenance activities, CEMVN will comply with the provisions outlined below:

2. Any USACE employee, contractor, or subcontractor who knows or has reason to know that they have inadvertently discovered human remains, burials, funerary objects, sacred objects, or objects of cultural patrimony on Federal lands or human remains or funerary objects on state or private lands must provide immediate telephone notification of the inadvertent discovery, with written confirmation, to CEMVN Cultural Resources Section (CRS).

3. All work must stop immediately within a one hundred (100) meter (328 ft) radius buffer zone around the point of discovery; unless there is reason to believe that the area of the discovery may extend beyond the one hundred (100) meter (328 ft) radius buffer zone in which case the buffer zone will be expanded appropriately. CEMVN will implement measures to protect the discovery from theft and vandalism. Any human remains or other items in the immediate vicinity of the discovery must not be removed or otherwise disturbed. CEMVN will take immediate steps, if necessary, to further secure and protect inadvertently discovered human remains, burials, funerary objects, sacred objects, or objects of cultural patrimony, as appropriate, including stabilization, or covering the find location.

4. If abandoned cemeteries, unmarked graves, or human remains are discovered during the implementation of a CEMVN-funded undertaking on privately-owned lands or lands owned by a state or local governmental entity CEMVN will comply with the Louisiana Unmarked Human Burial Sites Preservation Act (La. R.S. 8:671 et seq.) and, if applicable, the Louisiana Cemetery Law (La. R.S. 8). CEMVN will notify local law enforcement and the Louisiana Division of Archaeology (LDOA), within the Louisiana Department of Culture,

Recreation and Tourism, Office of Cultural Development, by telephone to assess the nature and age of the human skeletal remains within twenty-four (24) hours of the discovery of unmarked human remains and accompany local law enforcement personnel during all field investigations. If the appropriate local law enforcement official determines that the remains are not involved in a legal investigation, LDOA has jurisdiction over the remains. In cases where the human remains are determined to be Native American, the LDOA will notify and coordinate with Tribes as required by state law. CEMVN will assist LDOA, as requested, to consult with Tribes and affected parties, as appropriate.

5. If human remains, burials, funerary objects, sacred objects, or objects of cultural patrimony are discovered during the implementation of a CEMVN-funded undertaking on Federal or Tribal land, CEMVN will notify by telephone and e-mail, SHPO, Tribes, and other affected parties (e.g., living descendants) that may that might attach religious and cultural significance to the discovery at the earliest possible time, but no later than forty-eight (48) hours and inform them of the steps already taken to address the discovery. CEMVN will consult with SHPO, Tribes, and other affected parties to develop a mutually agreeable action plan with timeframes to take into account the effects of the Undertaking on the discovery; resolve adverse effects if necessary; and ensure compliance with applicable federal and state laws and their implementing regulations.

6. In the case of the discovery of Native American human remains, funerary objects, sacred objects, or objects of cultural patrimony on Federal or Tribal land, and local law enforcement determines that the remains are not involved in a legal investigation, CEMVN will follow the procedures outlined by the Native American Graves Protection and Repatriation Act of 1990 (NAGPRA), as amended (25 U.S.C. § 3001 et seq.), and its implementing regulations (43 C.F.R. Part 10); Archeological Resources Protection Act of 1979 (ARPA) (16 U.S.C. § 470aa-mm); and Section 106 of the NHPA. In addition, CEMVN will follow the guidelines outlined in the ACHP's *Policy Statement Regarding the Treatment of Burial Sites, Human Remains, and Funerary Objects* (2007). This step is not intended to substitute the requirements of 43 C.F.R. 10.4(d)(iii).

7. CEMVN, when on Federal or Tribal lands, in consultation with SHPO and Tribes, whether they are Signatories to this PA or not, and other affected parties, may consult with a qualified physical anthropologist, forensic scientist, or other experts as may be needed to examine and assess the discovery. Unless the remains were inadvertently removed, the evaluation will be conducted at the site of discovery. Other than for crime scene investigation, no excavation, examination, photographs, or analysis of Native American human remains or remains suspected of being Native American will be conducted or allowed by CEMVN archaeologists or any other professional without first consulting with the appropriate Tribes, whether they are Signatories to this PA or not. The consulting expert will be allowed to draw and measure the exposed remains and associated funerary objects. Drawings cannot be published in any form or shown as part of scholarly presentations without the written permission of the appropriate Tribes or next living descendant.

8. CEMVN, when on Federal lands, in consultation with SHPO, Tribes, and other affected parties, as appropriate, whether they are Signatories to this PA or not, will have seven (7)-days to determine if the skeletal remains are human, the degree to which they were disturbed, and if possible, using reasonable measures to assess their potential age, cultural affiliation, and identity, without any further disturbance. Upon making a determination or at the end of the seven (7)-days, whichever comes first, CEMVN will notify the appropriate affected parties of its findings. This notification will include pertinent information as to kinds of human remains, funerary objects, sacred objects, or items of cultural patrimony discovered, their condition, and the circumstances of their inadvertent discovery. SHPO, Tribes, and other affected parties, whether they are Signatories to this PA or not, will have seventy-two (72) hours to respond to CEMVN's notification verbally followed by written response via U.S. mail and/or e-mail specifying the intent of the affected party to conduct or decline further consultation.

9. For discoveries of human remains, burials, funerary objects, sacred objects, or objects of cultural patrimony on Federal or Tribal lands, CEMVN will continue to consult with SHPO, Tribes, and other affected parties, as appropriate, whether they are Signatories to this PA or not, regarding additional measures to avoid and protect or mitigate the adverse effect of the Undertaking. These measures may include:

    a) Visits to the site by the SHPO, Tribes, and other affected parties, as appropriate;

    b) Formally evaluate the archaeological site for NRHP-eligibility;

    c) Explore potential avoidance alternatives;

    d) Develop and implement a mitigation plan in consultation and concurrence with the SHPO, Tribes, and other affected parties, as appropriate, including procedures for disinterment and re-interment.

10. CEMVN will coordinate with any contractor(s) and/or sub-contractor(s) regarding any required scope of project modification necessary to implement recommendations from the consultation and facilitate proceeding with the Undertaking.

D. Curation

1. Recovered archaeological collections from a CEMVN-funded archaeological survey, evaluation, and mitigation remain the property of the land owner of the subject property at the time of excavation. Any records generated are the property of the Federal government. CEMVN, in coordination with Consulting Parties and the appropriate NFS, will encourage land owners to donate any recovered collections to an appropriate long-term curation facility or Tribal entity. CEMVN, in coordination with the NFS, SHPO, and

affected Tribes, as appropriate, will work with all land owners to support steps that ensure the long-term curation of these artifacts through the transfer of the materials to a suitable repository as agreed to by CEMVN, SHPO, and affected Tribes(s), pursuant to 36 CFR § 79. The disposition of human remains and associated burial items will comply with the Louisiana Unmarked Burial Sites Preservation Act (R.S. 8:681) if on private or state lands.

IV. IMPLEMENTATION OF AGREEMENT

A. Amendments

1. If any Signatory or Invited Signatory who signs this PA determines that an amendment to the terms of this PA must be made, the Signatory or Invited Signatory will consult to seek amendment in the following manner:

    a) The Signatory or Invited Signatory will submit a written request for amendment to CEMVN containing the proposed amendment.

    b) Upon receipt of a request to amend this PA, CEMVN will immediately notify the Signatories and Invited Signatories who have signed this PA and initiate a (30)-day period to consult on the proposed amendment, whereupon the Signatories and Invited Signatories will consult to consider such amendments.

    c) If agreement to the amendment cannot be reached within the (30)-day period, resolution of the issue may proceed by following the dispute resolution process in Stipulation IV.B.

    d) An amendment to this PA, exclusive of the appendices, will be effective only when it has been signed by all the Signatories and Invited Signatories. An amendment will be effective for Undertakings occurring on or affecting historic properties on Tribal lands only when the affected Tribe has signed the amended PA as an Invited Signatory. The terms of this Agreement will not apply to Undertakings on or affecting Tribal lands without prior execution of the Amended PA by the affected Tribes.

    e) Amendments to this PA will take effect on the date that they are fully executed by all Signatories and Invited Signatories.

    f) Modifications, additions, or deletions to the appendices made as a result of continuing consultation among the Consulting Parties do not require the PA to be amended.

2. Modifications, additions, or deletions to the appendices may be amended at the request

of CEMVN or another Signatory or Invited Signatory who has signed this PA in the following manner:

a) CEMVN, on its own behalf, or on the behalf of another Signatory or Invited Signatory, will notify all Signatories and Invited Signatories to this PA of the intent to add to or modify the current Appendix or Appendices and will provide a draft of the updated Appendix or Appendices to all Signatories and Invited Signatories.

b) If no Signatory or Invited Signatory objects in writing within (30)-days of receipt of CEMVN's proposed addition or modification, CEMVN will date and sign the amended Appendix and provide a copy of the amended Appendix to all Signatories and Invited Signatories. Such an amendment will go into effect on the date CEMVN transmits the amendment to the other Signatories and Invited Signatories or an alternative date provided by the terms of the amendment.

B. Dispute Resolution

1. Should any party to this PA object in writing to the terms of this PA or to any actions proposed or the manner in which the terms of this PA are implemented, CEMVN will consult with such party to resolve the objection for not more than thirty (30)-days.

2. If the objection is resolved within thirty (30)-days, CEMVN will proceed in accordance with the resolution.

3. If CEMVN determines that such objection cannot be resolved, CEMVN will forward to ACHP all documentation relevant to the objection, including CEMVN's proposed resolution.

4. Within thirty (30)-days of receipt, ACHP will:

    a) Concur with CEMVN's proposed resolution; or

    b) Provide CEMVN with recommendations, which CEMVN will take into account in reaching a final decision regarding the objection; or

    c) Notify CEMVN that the objection will be referred for comment in accordance with 36 CFR § 800.7(a)(4), and proceed to do so.

5. Prior to reaching a final decision on the dispute, CEMVN will prepare a written response that takes into account any timely advice or comments regarding the dispute from the ACHP, Signatories, Invited Signatories, and Concurring Parties, and provide them with a copy of this written response. CEMVN will then proceed according to its final decision. The Signatories will continue to implement all other terms of this PA that are not subject

to objection.

6. If the ACHP does not provide its advice regarding the dispute within the thirty (30)-day time period, CEMVN may make a final decision on the dispute and proceed with its proposed resolution to the objection after providing ACHP, Signatories, Invited Signatories, and Concurring Parties, with a written summary of its final decision.

C. Severability and Termination

1. In the event any provision of this PA is deemed by a Federal court to be contrary to, or in violation of, any applicable existing law or regulation of the United States of America, only the conflicting provision(s) will be deemed null and void, and the remaining provisions of the PA will remain in effect.

2. Any Signatory or Invited Signatory who signs this PA may terminate this PA by providing thirty (30)-days' written notice to the other Consulting Parties, provided that the Consulting Parties consult during this period to seek amendments or other actions that would prevent termination. If this PA is terminated, CEMVN will comply with Section 106 through other applicable means pursuant to 36 CFR Part 800. Upon such determination, CEMVN will provide ACHP, Signatories, Invited Signatories, and Concurring Parties written notice of the termination of this PA.

3. Any Invited Signatory or Concurring Party may notify the other Consulting Parties that it is fully withdrawing from participation in the PA. Following such a withdrawal, CEMVN will review the activities within the Undertaking that may affect historic properties of religious and cultural significance to any Tribe in accordance with 36 CFR § 800. Withdrawal from this PA by a Concurring Party does not terminate the PA. A Concurring Party that has withdrawn from the PA may at any time notify ACHP, Signatories, Invited Signatories, and Concurring Parties in writing, that it has rescinded its notice to withdraw from participation in the PA.

4. This PA may be terminated by the implementation of a subsequent Agreement that explicitly terminates or supersedes this PA, or by CEMVN's implementation of Alternate Procedures, pursuant to 36 CFR § 800.14(a).

D. Duration and Extension

1. The PA will remain in effect from the date of final signature for a period not to exceed ten (10)-years unless otherwise extended pursuant to Stipulation V.D.2 (below), or terminated pursuant to Stipulation V.C(2) or V.C(4).

2. The Signatories may collectively agree in writing to execute this PA to cover additional calendar years, or portions thereof, provided that the original PA has not expired or if the

PA has expired while a new Agreement is in preparation.

E. Monitoring and Reporting

1. Each year following the execution of this PA, until it expires or is terminated, CEMVN will provide the other Signatories, Invited Signatories, Concurring Parties, and the ACHP with an annual report detailing work carried out pursuant to its terms. This annual report will summarize the actions taken to implement the terms of this PA (e.g., statistics on resolution of adverse effects, use of other agency's determinations, the progress and completion of all STM/MOA TM), include any scheduling changes proposed, any disputes and objections received, and will recommend any actions or revisions to be considered; including updates to the Appendices.

2. Any Signatory, Invited, Signatory, or Concurring Party, including CEMVN, may request a meeting to review the annual report or discuss issues and concerns in greater detail regarding implementation of the PA within the thirty (30)-days' following receipt of the annual report. This review will occur in person or by telephone as determined by CEMVN.

V. EXECUTION OF AGREEMENT

1. This PA may be executed in counterparts, with a separate page for each Signatory, Invited Signatory, and Concurring Party and will become effective on the date of the final signature of the Signatories.

2. The PA will go into effect regarding Undertakings occurring, or affecting historic properties, on Tribal lands when the subject Tribe has signed the PA as an Invited Signatory.

3. CEMVN will ensure that each Signatory, Invited Signatory, and Concurring Party is provided with an electronic (.pdf) copy of the PA including signatures. CEMVN will provide electronic copies of additional executed signature pages to the Signatories, Invited Signatories, and Concurring Parties as they are received. CEMVN will provide a complete copy of the PA with original signatures to any Consulting Party on request.

4. EXECUTION of this PA and implementation of its terms is evidence that CEMVN has taken into account the effects of these Undertakings on historic properties and afforded the ACHP an opportunity to comment on CEMVN's administration of the referenced Programs, and that CEMVN has satisfied its Section 106 responsibilities for all individual Undertakings of its referenced Programs.

Signatory Page

**PROGRAMMATIC AGREEMENT AMONG
THE U.S. ARMY CORPS OF ENGINEERS, NEW ORLEANS DISTRICT; AMITE RIVER BASIN COMMISSION; EAST BATON ROUGE PARISH; LOUISIANA COASTAL PROTECTION AND RESTORATION AUTHORITY; LOUISIANA DEPARTMENT OF TRANSPORTATION AND DEVELOPMENT; PONTCHARTRAIN LEVEE DISTRICT; LOUISIANA STATE HISTORIC PRESERVATION OFFICER OF THE DEPARTMENT OF CULTURE, RECREATION & TOURISM; AND CHOCTAW NATION OF OKLAHOMA; REGARDING THE BIPARTISAN BUDGET ACT OF 2018 COMPENSATORY HABITAT MITIGATION PROGRAM FOR THE COMITE RIVER DIVERSION, EAST BATON ROUGE PARISH WATERSHED FLOOD RISK MANAGEMENT, AND WEST SHORE LAKE PONTCHARTRAIN HURRICANE AND STORM DAMAGE RISK REDUCTION PROJECTS IN LOUISIANA**

United States Army CEMVN of Engineers

By: _____ Date: 2/19/20

Stephen Murphy
Colonel, U.S. Army
District Engineer

Signatory Page

**PROGRAMMATIC AGREEMENT AMONG
THE U.S. ARMY CORPS OF ENGINEERS, NEW ORLEANS DISTRICT; AMITE RIVER BASIN COMMISSION; EAST BATON ROUGE PARISH; LOUISIANA COASTAL PROTECTION AND RESTORATION AUTHORITY; LOUISIANA DEPARTMENT OF TRANSPORTATION AND DEVELOPMENT; PONTCHARTRAIN LEVEE DISTRICT; LOUISIANA STATE HISTORIC PRESERVATION OFFICER OF THE DEPARTMENT OF CULTURE, RECREATION & TOURISM; AND CHOCTAW NATION OF OKLAHOMA; REGARDING THE BIPARTISAN BUDGET ACT OF 2018 COMPENSATORY HABITAT MITIGATION PROGRAM FOR THE COMITE RIVER DIVERSION, EAST BATON ROUGE PARISH WATERSHED FLOOD RISK MANAGEMENT, AND WEST SHORE LAKE PONTCHARTRAIN HURRICANE AND STORM DAMAGE RISK REDUCTION PROJECTS IN LOUISIANA**

Louisiana State Historic Preservation Officer

By: Kristin P. Sanders Date: 3/4/2020
Kristin P. Sanders
Louisiana State Historic Preservation Officer

Invited Signatory Page

**PROGRAMMATIC AGREEMENT AMONG
THE U.S. ARMY CORPS OF ENGINEERS, NEW ORLEANS DISTRICT; AMITE RIVER BASIN COMMISSION; EAST BATON ROUGE PARISH; LOUISIANA COASTAL PROTECTION AND RESTORATION AUTHORITY; LOUISIANA DEPARTMENT OF TRANSPORTATION AND DEVELOPMENT; PONTCHARTRAIN LEVEE DISTRICT; LOUISIANA STATE HISTORIC PRESERVATION OFFICER OF THE DEPARTMENT OF CULTURE, RECREATION & TOURISM; AND CHOCTAW NATION OF OKLAHOMA; REGARDING THE BIPARTISAN BUDGET ACT OF 2018 COMPENSATORY HABITAT MITIGATION PROGRAM FOR THE COMITE RIVER DIVERSION, EAST BATON ROUGE PARISH WATERSHED FLOOD RISK MANAGEMENT, AND WEST SHORE LAKE PONTCHARTRAIN HURRICANE AND STORM DAMAGE RISK REDUCTION PROJECTS IN LOUISIANA**

Amite River Basin Commission

By: _____ Date: 3/10/2020
Dietmar Rietschier
Executive Director
Amite River Basin Commission

Invited Signatory Page

**PROGRAMMATIC AGREEMENT AMONG
THE U.S. ARMY CORPS OF ENGINEERS, NEW ORLEANS DISTRICT; AMITE RIVER BASIN COMMISSION; EAST BATON ROUGE PARISH; LOUISIANA COASTAL PROTECTION AND RESTORATION AUTHORITY; LOUISIANA DEPARTMENT OF TRANSPORTATION AND DEVELOPMENT; PONTCHARTRAIN LEVEE DISTRICT; LOUISIANA STATE HISTORIC PRESERVATION OFFICER OF THE DEPARTMENT OF CULTURE, RECREATION & TOURISM; AND CHOCTAW NATION OF OKLAHOMA; REGARDING THE BIPARTISAN BUDGET ACT OF 2018 COMPENSATORY HABITAT MITIGATION PROGRAM FOR THE COMITE RIVER DIVERSION, EAST BATON ROUGE PARISH WATERSHED FLOOD RISK MANAGEMENT, AND WEST SHORE LAKE PONTCHARTRAIN HURRICANE AND STORM DAMAGE RISK REDUCTION PROJECTS IN LOUISIANA**

East Baton Rouge Parish

By: _____
Sharon Weston Broome
Mayor
City of Baton Rouge

Date: 3/23/2020

APPROVED AS TO FORM

_____
PARISH ATTORNEY'S OFFICE

Invited Signatory Page

**PROGRAMMATIC AGREEMENT AMONG
THE U.S. ARMY CORPS OF ENGINEERS, NEW ORLEANS DISTRICT; AMITE RIVER BASIN COMMISSION; EAST BATON ROUGE PARISH; LOUISIANA COASTAL PROTECTION AND RESTORATION AUTHORITY; LOUISIANA DEPARTMENT OF TRANSPORTATION AND DEVELOPMENT; PONTCHARTRAIN LEVEE DISTRICT; LOUISIANA STATE HISTORIC PRESERVATION OFFICER OF THE DEPARTMENT OF CULTURE, RECREATION & TOURISM; AND CHOCTAW NATION OF OKLAHOMA; REGARDING THE BIPARTISAN BUDGET ACT OF 2018 COMPENSATORY HABITAT MITIGATION PROGRAM FOR THE COMITE RIVER DIVERSION, EAST BATON ROUGE PARISH WATERSHED FLOOD RISK MANAGEMENT, AND WEST SHORE LAKE PONTCHARTRAIN HURRICANE AND STORM DAMAGE RISK REDUCTION PROJECTS IN LOUISIANA**

Louisiana Office of Coastal Protection and Restoration Authority

By:_____ Date: 3/25/2020
Bren Haase
Executive Director
Louisiana Office of Coastal Protection and Restoration Authority

Invited Signatory Page

**PROGRAMMATIC AGREEMENT AMONG
THE U.S. ARMY CORPS OF ENGINEERS, NEW ORLEANS DISTRICT; AMITE RIVER BASIN COMMISSION; EAST BATON ROUGE PARISH; LOUISIANA COASTAL PROTECTION AND RESTORATION AUTHORITY; LOUISIANA DEPARTMENT OF TRANSPORTATION AND DEVELOPMENT; PONTCHARTRAIN LEVEE DISTRICT; LOUISIANA STATE HISTORIC PRESERVATION OFFICER OF THE DEPARTMENT OF CULTURE, RECREATION & TOURISM; AND CHOCTAW NATION OF OKLAHOMA; REGARDING THE BIPARTISAN BUDGET ACT OF 2018 COMPENSATORY HABITAT MITIGATION PROGRAM FOR THE COMITE RIVER DIVERSION, EAST BATON ROUGE PARISH WATERSHED FLOOD RISK MANAGEMENT, AND WEST SHORE LAKE PONTCHARTRAIN HURRICANE AND STORM DAMAGE RISK REDUCTION PROJECTS IN LOUISIANA**

Louisiana Department of Transportation and Development

By:_____ Date: _____
Dr. Shawn D. Wilson
Secretary
Louisiana Department of Transportation and Development

Invited Signatory Page

**PROGRAMMATIC AGREEMENT AMONG
THE U.S. ARMY CORPS OF ENGINEERS, NEW ORLEANS DISTRICT; AMITE RIVER BASIN COMMISSION; EAST BATON ROUGE PARISH; LOUISIANA COASTAL PROTECTION AND RESTORATION AUTHORITY; LOUISIANA DEPARTMENT OF TRANSPORTATION AND DEVELOPMENT; PONTCHARTRAIN LEVEE DISTRICT; LOUISIANA STATE HISTORIC PRESERVATION OFFICER OF THE DEPARTMENT OF CULTURE, RECREATION & TOURISM; AND CHOCTAW NATION OF OKLAHOMA; REGARDING THE BIPARTISAN BUDGET ACT OF 2018 COMPENSATORY HABITAT MITIGATION PROGRAM FOR THE COMITE RIVER DIVERSION, EAST BATON ROUGE PARISH WATERSHED FLOOD RISK MANAGEMENT, AND WEST SHORE LAKE PONTCHARTRAIN HURRICANE AND STORM DAMAGE RISK REDUCTION PROJECTS IN LOUISIANA**

Pontchartrain Levee District

By:_____ Date: _____
Ricky Bosco
Board President
Pontchartrain Levee District

Concurring Party Signatory Page

**PROGRAMMATIC AGREEMENT AMONG
THE U.S. ARMY CORPS OF ENGINEERS, NEW ORLEANS DISTRICT; AMITE RIVER BASIN COMMISSION; EAST BATON ROUGE PARISH; LOUISIANA COASTAL PROTECTION AND RESTORATION AUTHORITY; LOUISIANA DEPARTMENT OF TRANSPORTATION AND DEVELOPMENT; PONTCHARTRAIN LEVEE DISTRICT; LOUISIANA STATE HISTORIC PRESERVATION OFFICER OF THE DEPARTMENT OF CULTURE, RECREATION & TOURISM; AND CHOCTAW NATION OF OKLAHOMA; REGARDING THE BIPARTISAN BUDGET ACT OF 2018 COMPENSATORY HABITAT MITIGATION PROGRAM FOR THE COMITE RIVER DIVERSION, EAST BATON ROUGE PARISH WATERSHED FLOOD RISK MANAGEMENT, AND WEST SHORE LAKE PONTCHARTRAIN HURRICANE AND STORM DAMAGE RISK REDUCTION PROJECTS IN LOUISIANA**

Choctaw Nation of Oklahoma

By:_____ Date: _____
Chief Gary Batton
Choctaw Nation

APPENDIX A
Contact List

Primary Contact	Secondary Contact
Advisory Council on Historic Preservation Christopher Daniel Program Analyst Advisory Council on Historic Preservation 401 F Street NW, Suite 308 Washington DC 20001-2637 202.517.0223 cdaniel@achp.gov	**Advisory Council on Historic Preservation** Reid Nelson, Chairman Office of Federal Agency Programs Advisory Council on Historic Preservation 401 F. Street NW, Suite 308 Washington, DC 20001-2637 Telephone: (202) 517-0228 E-mail: rnelson@achp.gov
Alabama-Coushatta Tribe of Texas Ms. Joann Battise, Chairwoman Alabama-Coushatta Tribe of Texas 571 State Park Rd. 56 Livingston, TX 77351 Telephone: (936) 563-1181 E-mail: histpres@actribe.org	**Alabama-Coushatta Tribe of Texas** Mr. Bryant Celestine Historic Preservation Officer Alabama-Coushatta Tribe of Texas 571 State Park Rd. 56 Livingston, TX 77351 Telephone: (936) 563-1181 E-mail: celestine.bryant@actribe.org
Amite River Basin Commission Dietmar Rietschier Executive Director Amite River Basin Commission 3535 South Sherwood Forest Blvd. Suite 135 Baton Rouge, Louisiana 70816 Telephone: (225) 296-4900 E-mail: drietschier@amitebasin.org	**Amite River Basin Commission** Larry Bankston Attorney at Law Bankston & Associates, L.L.C. 8708 Jefferson Highway, Suite A Baton Rouge, Louisiana 70809 Telephone: (225) 766.3800 E-mail: larry@bblawyers.net
City of Baton Rouge Parish Fred Raiford, Director City of Baton Rouge Department of Transportation and Drainage 222 Saint Louis Street 8th Floor Baton Rouge, LA 70802 Telephone: (225) 389-3159 E-mail: fraiford@brla.gov	**City of Baton Rouge Parish** Thomas A. Stephens, P.E. City of Baton Rouge Chief Design and Construction Engineer Public Works and Planning Center 1100 Laurel Street Baton Rouge, LA 70802 Telephone: (225) 389-3186 x 566 E-mail: TStephens@brla.gov
Caddo Nation Mr. Phillip Cross, THPO Caddo Nation 117 Memorial Lane Binger, OK 73009 Telephone: (405) 656-2344 x 248 E-mail: dhill@caddo.xyz	**Caddo Nation** Chairman Tamara Francis Fourkiller Caddo Nation P.O. Box 487 Binger, OK 73009 E-mail: tffourkiller.cn@gmail.com

Primary Contact	Secondary Contact
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Coushatta Tribe of Louisiana Dr. Linda Langley Cultural Preservation Officer Coushatta Tribe of Louisiana 1940 C.C. Bell Road Elton, LA 70532 Telephone: (337) 584-1567 E-mail: llangley@mcneese.edu	**Coushatta Tribe of Louisiana** Chairman Kevin Sickey Coushatta Tribe of Louisiana 1940 C.C. Bell Road Elton, LA 70532 Telephone: (337) 584-2998
Chitimacha Tribe of Louisiana Kimberly S. Walden, THPO Chitimacha Tribe of Louisiana 155 Chitimacha Loop Charenton, LA 70523 Telephone: (337) 923-9923 E-mail: kim@chitimacha.gov	**Chitimacha Tribe of Louisiana** Chairman Melissa Darden Chitimacha Tribe of Louisiana 155 Chitimacha Loop Charenton, LA 70523 Telephone: (337) 924-4973
Jena Band of Choctaw Indians Alina J. Shively Jena Band of Choctaw Indians THPO P.O. Box 14 Jena, LA 71342 Telephone: (318) 992-1205 E-mail: ashively@jenachoctaw.org	**Jena Band of Choctaw Indians** Chief B. Cheryl Smith Jena Band of Choctaw Indians 1052 Chanaha Hina Street Trout, LA 71371 Telephone: (318) 992-2717
Louisiana Coastal Protection and Restoration Authority Travis Byland Project Manager Coastal Protection and Restoration Authority 150 Terrace Avenue Baton Rouge, Louisiana 70802 Telephone: (225) 342-6750 E-mail: travis.byland@la.gov	**Louisiana Coastal Protection and Restoration Authority** Bren Haase Executive Director Louisiana Office of Coastal Protection and Restoration Authority P.O. Box 44027 Baton Rouge, LA 70804-4027 Telephone: (225) 342-1475

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Louisiana Department of Transportation and Development Christina Brignac Senior Project Manager Louisiana Department of Transportation and Development Project Management Section 1201 Capitol Access Rd Baton Rouge, LA 70802 Telephone: (225) 379-1394 E-mail: Christina.Brignac@LA.GOV	**Louisiana Department of Transportation and Development** Dr. Shawn D. Wilson Secretary Louisiana Department of Transportation and Development 1201 Capitol Access Road Baton Rouge, LA 70802 Telephone: (225) 379-1232 E-mail: Shawn.Wilson@LA.GOV
Louisiana State Historic Preservation Officer of the Department of Culture, Recreation & Tourism Chip McGimsey State Archaeologist Division of Archaeology P.O. Box 44247 Baton Rouge, LA 70804-4241 Telephone: (225) 219-4598 E-mail: cmcgimsey@crt.la.gov	**Louisiana State Historic Preservation Officer of the Department of Culture, Recreation & Tourism** Rachel Watson Division of Archaeology P.O. Box 44247 Baton Rouge, LA 70804-4241 Telephone: (225) 342-8165 E-mail: rwatson@crt.la.gov
Mississippi Band of Choctaw Indians Mr. Ken Carleton Tribal Archeologist Mississippi Band of Choctaw Indians 101 Industrial Road Choctaw, MS 39350 Telephone: (601) 656-5251 E-mail: ken.carleton@choctaw.org	**Mississippi Band of Choctaw Indians** Chief Ben Cyrus Mississippi Band of Choctaw Indians 101 Industrial Road Choctaw, MS 39350 Telephone: (601) 656-5251 E-mail: info@choctaw.org
Muscogee (Creek) Nation Mr. David Hill THPO Muscogee (Creek) Nation Historic & Cultural Preservation Office P.O. Box 580 Okmulgee, OK 74447 Telephone: (918) 732-7733 E-mail: Section106@mcn-nsn.gov	**Muscogee (Creek) Nation** Principal Chief, Mr. James Floyd Muscogee (Creek) Nation Historic & Cultural Preservation Office P.O. Box 580 Okmulgee, OK 74447
Pontchartrain Levee District Ms. Monica Salins-Gorman Executive Director	**Pontchartrain Levee District** Dwight D. Poirrier, APLC PLD Board Attorney

Primary Contact	Secondary Contact
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Seminole Nation of Oklahoma Mr. David Franks THPO Seminole Nation of Oklahoma P.O. Box 1498 Wewoka, OK 74884 Telephone: (405) 257-7292 E-mail: franks.d@sno-nsn.gov	**Seminole Nation of Oklahoma** Principal Chief Greg Chilcoat Seminole Nation of Oklahoma P.O. Box 1498 Wewoka. OK 74884 Telephone: (405) 257-7200 E-mail: principalChief@seminolenation.com
Seminole Tribe of Florida Primary: Paul Backhouse, Ph.D., THPO Seminole Tribe of Florida Ah-Ta-Thi-Ki Museum 30290 Josie Billie Hwy, PMB 1004 Clewiston, FL 33440 Telephone: (863) 983-6549 x 12244 E-mail: THPOCompliance@semtribe.com	**Seminole Tribe of Florida** Secondary: Honorable Marcellus W. Osceola Chairman Seminole Tribe of Florida 6300 Stirling Road Hollywood, FL 33024 Telephone: (954) 966-6300 E-mail: trishanastrom@semtribe.com
Tunica-Biloxi Tribe of Louisiana Primary: Mr. Earl J. Barbry, Jr., THPO Tunica-Biloxi Tribal Historic Preservation Office P.O. Box 1589 Marksville, LA 71351 Telephone: (318) 253-8174 x 6451 E-mail: earlii@tunica.org	**Tunica-Biloxi Tribe of Louisiana** Secondary: Vice-Chairman Marshall Pierite Tunica-Biloxi Tribe of Louisiana 151 Melancon Drive Marksville, LA 71351 Telephone: (318) 253-1946 E-mail: joeypbarbry@tunica.org

APPENDIX B
Project Summaries

To meet part of its mission, CEMVN is conducting the present Bottomland Hardwoods (BLH)-Wet and Swamp Compensatory Habitat Mitigation under the standing authority of the Bipartisan Budget Act of 2018 (BBA; Pub. L. 115-123), Division B, Subdivision 1, H. R. 1892-13, Title IV, Corps of Engineers--Civil, Department of the Army, Investigations, for flood and storm damage risk reduction, signed into law February 9, 2018. This PA is applicable to BLH-Wet and Swamp Compensatory Habitat Mitigation for the following the following previously authorized USACE projects in Louisiana that have since been included in the BBA for construction:

1. Comite River Diversion (Comite);

2. East Baton Rouge Parish Watershed Flood Control (EBR); and

3. West Shore Lake Pontchartrain Hurricane and Storm Damage Risk Reduction (WSLP).

Supplemental information regarding the aforementioned individual USACE-funded programs is provided below:

COMITE RIVER DIVERSION
On 27 August 1991, the Chief of Engineers signed a report for the Amite River and Tributaries, Comite River Diversion, Louisiana, recommending construction of a 12 mile long diversion channel from the Comite River to the Mississippi River. The primary project features include a control structure at the Comite River, a control structure at Lilly Bayou, three (3) control drop structures at the intersections of the diversion channel with White, Cypress and Baton Rouge Bayous, a drop control structure in the vicinity of McHugh Road, two (2) railroad bridges and five highway or parish road bridges

Project Purpose
The Project is located in East Baton Rouge Parish, LA in the southern portion of the Comite River Basin. The features will provide urban flood damage reduction to reduce risks from rainfall events/headwater flooding for residents in the area.

Project Features
The primary project features include a control structure at the Comite River, a control structure at Lilly Bayou, three (3) control drop structures at the intersections of the diversion channel with White, Cypress and Baton Rouge Bayous, a drop control structure in the vicinity of McHugh Road, two railroad bridges, four highway bridges and one parish road bridge.

EAST BATON ROUGE FLOOD RISK REDUCTION PROJECT
Authorized project to reduce flooding along five (5) sub-basins throughout the parish, including Jones Creek, Ward Creek, Bayou Fountain, Blackwater Bayou, and Beaver Bayou. This project

consists of improvements to 66 miles of channels, including clearing and snagging, widening, concrete lining and improvements to existing culverts and bridges to reduce headwater flooding/backwater overflow in the Amite River Basin. The Feasibility Study was authorized in WRDA 1992 and the Chief's report approved Dec 1996. Project was first authorized for construction in WRDA 1999 at a total cost of $113M, increased in 2003 by the Consolidated Appropriations Resolution (CAR) to $150M, increased again in WRDA 2007 to $187M ($255M in current dollars).

Project Purpose
The authorized project is intended to reduce flooding throughout East Baton Rouge Parish by improving 66 miles of channels in five (5) sub-basins including:

- Jones Creek and tributaries (Designed to convey a 50-year event): Clearing and snagging three (3) miles and structurally lining 16 miles with reinforced concrete;
- Ward Creek and its tributaries (Designed to convey a 10-year event with a portion to convey a 50 year event): Clearing/snagging miles of channel and concrete lining;
- Bayou Fountain (Designed to convey a 10-year event): Clearing and widening 11 miles of channel;
- Beaver Bayou (Designed to convey a 25-year event): Widening eight (8) miles of existing earthen channel and improvements to existing culverts and bridges;
- Blackwater Bayou and its main tributary (Designed to convey a 10-year event): Widening 13 miles of existing earthen channel and improvements to existing culverts and bridges.

WEST SHORE LAKE PONTCHARTRAIN
The West Shore Lake Pontchartrain project is located in southeast Louisiana on the east-bank of the Mississippi River in St. Charles, St. John the Baptist, and St. James Parishes in Southeast LA. The West Shore Lake Pontchartrain Chief's report was published in June 2016 and the project has been included in the Bipartisan Budget Act of 2018.

Project Purpose
Over 60,000 people in the three (3) parish study area have little to no hurricane risk reduction in place. Additionally, the dominant evacuation route for the New Orleans metropolitan area (I-10) bisects the study area. During Hurricane Isaac, storm surge inundated approximately 7,000 homes and the interstate was submerged for several days slowing emergency response across the region. The Project will construct a 100 year level risk reduction system extending from the Bonnet Carré spillway to Garyville.

Project Features
The $760 million project is approximately 18.5 miles in length and includes 17.5 miles of levee, 1 mile of T-wall, four (4) pumping stations, two (2) drainage structures, and approximately 35 utility relocations. The project will also provide localized risk reduction measures focused in St. James Parish. The project will include mitigation to offset unavoidable environmental impacts.

APPENDIX C
Standard Treatment Measures

As provided in Stipulation II.F.4(a), if an Undertaking may adversely affect NRHP-listed or eligible historic properties and/or properties of religious or cultural significance to Tribes, or TCP(s), CEMVN may propose to resolve the adverse effect through the application of one or more of the STMs set out below. The selected measures will be developed by CEMVN after discussions with the SHPO, Tribes, and other Consulting Parties, as appropriate, and will be documented in writing in a Treatment Plan (TP). CEMVN will provide SHPO, and/or Tribes, and other Consulting Parties, as appropriate, with the opportunity to object to the proposed STM as set out in II.H.2(c). If CEMVN, in consultation with stakeholders, determines that a TM not included in the list below is in the public interest and is the most appropriate means to resolve an adverse effect, CEMVN will initiate consultation to develop a project-specific MOA as set out in Stipulation II.G.4(a).

The TP will identify, as appropriate: the responsible party/entity that will implement and complete each STM; the STM SOW and the standards that will apply to the preparation and distribution of a deliverable; the deliverable(s) (e.g., the quantity, size, materials, content, final ownership/ copyrights); measures to ensure that any STM documenting the condition of, or requiring the data recovery on the historic property, is implemented before the property is adversely affected; any *Professional Standards* in addition to those specified in Stipulation II.A.1(c) that will be required to prepare deliverable(s) described in the STM(s); the repositories and/or parties that will receive copies of a deliverable and the disposition of any deliverable that is not curated; milestones when CEMVN, SHPO, Tribes, and other Consulting Parties, as appropriate, will be given the opportunity to review and comment on the deliverable; and timeframes for each review and deliverable.

CEMVN will provide written notice to SHPO, Tribes, and other Consulting Parties, as appropriate, within sixty (60)-days of the completion of the STM as required by Stipulation II.G.2(d). CEMVN will include information pertaining to the progress of and completion of all STM(s) in the annual report pursuant to Stipulation IV.E.

Any dispute regarding the implementation of a TP will be resolved following the process set out in Stipulation IV.G.4(a).

This Appendix may be amended in accordance with Stipulation IV.A.2 of this Agreement.

List of Standard Treatment Measures:

I. DESIGN REVIEW: The purpose of this STM is to determine if there are feasible alternatives that may avoid or minimize potential adverse effects to historic properties. Avoidance and minimization of adverse effects will be dependent on the type of historic property (e.g., archaeological site vs. historic structure) and the type of adverse effect. CEMVN anticipates that it will identify work items that may cause an adverse effect during the review of a project, or at an early stage of project planning, when the design has not been fully developed. The implementation of this STM will allow CEMVN, in consultation with SHPO, Tribes, and other Consulting Parties, as appropriate, to continue with plan development, and allows CEMVN and Consulting Parties the potential to influence the design. CEMVN may include this STM with other measures that are intended to mitigate any adverse effects that cannot be avoided or minimized.

A. Design Review

Based on CEMVN's review of the construction design, if CEMVN determines that the proposed Undertaking may adversely affect a historic property:

1. CEMVN will consider ways to resolve adverse effects to a historic property by assessing feasible alternatives and/or determining if avoidance of the historic property is feasible through redesign of the project and/or specific project elements that are causing the adverse effect.

2. If avoidance is not feasible or practical, CEMVN then will look for ways to minimize the adverse effect to a historic property. Minimizing the adverse effect could include shifting specific project elements away from the historic property to lessen the adverse effect (e.g., buffering) and/or, considering ways to revise the scope of the project to substantially conform to the *Standards* as described in Stipulation II.A.1(a).

3. CEMVN will provide a written assessment of any alternatives, avoidance, and/or minimization measures considered along with sufficiently developed plans to SHPO, Tribes, and or Consulting Parties, as appropriate, for a fifteen (15)-day review and comment period. Protective measures may be further developed in consultation with stakeholders on a case-by-case basis to avoid or minimize adverse effects.

4. Following the fifteen (15)-day review period CEMVN will consider all comments, and if the scope of the project can be substantially revised to avoid the adverse effects, or the Undertaking no longer affects the character defining features of a

historic property, CEMVN will make a determination of “No Adverse Effect”; describe any project specific conditions; and provide supporting documentation pursuant to 36 CFR §800.11(e). Unless a Consulting Party makes a timely objection in accordance with the applicable timeframe outlined in Stipulation I.B, then design review is complete and CEMVN will proceed with its "No Adverse Effect" determination, including any conditions, and conclude the Section 106 review and CEMVN is not required to carry out any additional STMs that may have been identified to offset the potential adverse effect. Any subsequent construction footprint or scope of project changes will be reviewed in accordance with Stipulation II.D.1.

5. Should avoidance or minimization of the adverse effect not be feasible, in whole or in part, or if the adverse effect is determined to be in the best interest of the public and unavoidable, CEMVN will continue consultation with SHPO, Tribes, and or Consulting Parties, as appropriate, in accordance with Stipulation II.H.2 and the following treatment measures outlined below are suggested for the resolution of adverse effects.

II. PHOTOGRAPHIC RECORDATION: CEMVN, in consultation with SHPO, Tribes, and other Consulting Parties, as appropriate, will select the photographic medium or mediums from the options described below and identify a list of photographs that will serve to document the historic property to archival standards. Photographic images may include existing drawings and plans. If the Consulting Parties determine that it is in the public interest to document a property through the preparation of measured drawings, CEMVN will initiate consultation to develop a project-specific MOA.

A. Recordation for Standing Structures (Flexible Standards)

CEMVN will ensure that a trained professional who meets the *Professional Qualifications Standards* as defined in Stipulation II.A.1(a) photograph the exterior and/or interior, if it is accessible, in the selected photographic format(s) with an emphasis on documenting those portions of the exterior and/or interior that will be altered. The trained professional will take photographs of the views identified by CEMVN, SHPO, Tribes, other Consulting Parties, as appropriate, and/or agent or contractor, and will print specifically identified images:

a. Digital Photography: The digital photography and color photographs must comply with the “Best” category of requirements from the latest *National Register Photo Policy Fact Sheet:* https://www.nps.gov/subjects/nationalregister/upload/Photo_Policy_update_2013__15_508.pdf, with the following additional requirements:

1. Image files must be saved as both TIFF and JPEG files;

2. Color images must be produced in RGB (Red/Green/Blue) color mode as 24-bit or 48-bit color files;

3. In addition to the requirements specified by the *National Register Photo Policy Fact Sheet*, photographs will be digitally labeled to state the address (name of facility, street number, street name, city, and state); date of photograph; description of view, including direction of camera; and name of photographer, agent, or contractor responsible for the recordation.

b. 35mm Black/White and Color Photography: Photographs must be taken with a 35mm SLR Camera or a 35mm point-and-shoot camera using 35mm black/white or color film. Photographs taken with disposable cameras are not acceptable.

   1. The 35mm film black/white or color film photography package will include one (1) full set of 35mm film black/white or color photographs printed on acid free paper specifically designed for color prints, the corresponding 35mm film negatives in acid free sleeves.

   2. Photographs will be labeled in pencil on the back to state the address, name of facility, street number, street name, city, and state; date of photograph; description of view, including direction of camera; and name of photographer, agent, or contractor responsible for the recordation.

c. Large Format Photography: Photographs must be taken with a large-format view camera with ample movement for perspective correction. The minimal complement of lenses includes a sharp rectilinear wide angle, a normal, and a mildly telephoto lens.

   1. Acceptable film formats are 4x5, 5x7, and 8x10-inch. Acceptable polyester-based films include those of medium and slow speed (100 and 400 ASA) produced by a wide array of manufacturers.

   2. The large format film photography package will include one (1) full set of 4 x 5 or 5 x 7-inch photographs printed on acid free paper and the corresponding 4 x 5 or 5 x 7-inch negatives in acid free sleeves.

3. Photographs will be labeled in pencil on the back to state the address name of facility, street number, street name, city, and state; date of photograph; description of view, including direction of camera; and name of photographer, agent, or contractor responsible for the recordation.

d. Video: A video documentary regarding the historic property may include on-camera interviews, archival footage and/or images, current footage of the historic property, and current footage of other similar historic properties. The content and length of the video will be described in the TP.

e. Narrative History: A narrative history may be prepared to provide a context for the photographs following the Historic American Building Survey (HABS) *Guidelines for Historical Reports*: "Short" or "Outline" format: https://www.nps.gov/hdp/standards/HABS/HABSHistoryGuidelines.pdf.

f. Recordation Package: The recordation package will include a photo log, printed copies of selected photographs, digital copies of photographs, and may include a narrative history. The recordation package may include reproductions of historic photographs, existing building plans, contemporary sketch plans, and/or maps. All materials will be packaged in archival sleeves and boxes. Archival disks will be used for all digital materials.

g. Review: The photographer, agent, or contractor responsible for the recordation may informally consult with SHPO, Tribes, and other Consulting Parties, as appropriate, to select photographs and other images that will be included in the recordation materials. The process to review and finalize the photographs and other images will be described in the TP.

h. Distribution: The photographer, agent, or contractor responsible for the recordation will prepare a minimum of three (3) archival quality copies of the recordation materials and will forward two (2) copies to SHPO and one (1) copy to CEMVN for archiving. In consultation with SHPO, Tribes, other Consulting Parties, as appropriate, CEMVN may identify additional archives and/or parties that will receive copies of the recordation materials. The responsible entity will provide CEMVN with documentation confirming that the recordation materials have been archived as described in the TP.

B. Recordation for Standing Structures (Established Standards)

The TP will document the proposed Level and Standard that will be most appropriate to capturing the significance of the historic property prior to alteration and define the responsible entity. Choices will be made between the National Park

Service (NPS), Heritage Documentation Programs (https://www.nps.gov/hdp/): *Historic American Building Standards* (HABS); *Historic American Engineering Standards* (HAER); or the *Historic American Landscape Standards* (HALS) at *Level III* or *Level II*. During the development of the TP, CEMVN will coordinate with the NPS, SHPO, Tribes, and other Consulting Parties, as necessary to make the selection. Any permission requiring a *Level I* effort under any of these standards will require an individual MOA to resolve the effects. The responsible entity will ensure that a trained professional who meets the *Professional Qualifications Standards* as defined in Stipulation II.A.1(a) photographs the exterior and/or interior, if it is accessible, in the selected standard with an emphasis on documenting those portions of the historic property that will be altered or demolished. The trained professional will take photographs of the views identified by CEMVN, in consultation with stakeholders, and will print specifically identified images and produce the required historical narrative.

III. **PUBLIC INTERPRETATION:** CEMVN will consult with SHPO, Tribes, and other Consulting Parties, as appropriate, to design an educational or public interpretive plan. The educational or public interpretive plan may include historical markers, signs, displays, educational pamphlets, websites, workshops, videos, and other similar mechanisms to educate the public on historic properties within the local community, state, or region. In certain instances SHPO may request that the proposed historical marker conform to the requirements of the Louisiana Historical Marker Program, in the Department of Culture, Recreation, and Tourism, and request that the responsible entity apply to this program (https://www.crt.state.la.us/tourism/industry-partners/).

IV. **HISTORICAL CONTEXT STATEMENTS:** CEMVN will consult with SHPO, Tribes, and other Consulting Parties, as appropriate, to identify the topic, audience, and framework of a historic context statement and format for the final deliverable. The context statement may focus on an individual property, a set of related properties, historic district, or other relevant themes identified in the *Louisiana Comprehensive Preservation Plan* (https://www.crt.state.la.us/cultural-development/historic-preservation/louisiana-state-plan-shpo/index) or the NPS *National Historic Landmark Thematic Framework* (https://www.nps.gov/subjects/nationalhistoriclandmarks/nhl-thematic-framework.html).

V. **ORAL HISTORY DOCUMENTATION:** CEMVN will consult with SHPO, Tribes, and other Consulting Parties, as appropriate, to identify the list of potential interview candidates; the parameters of the oral history project; qualifications of the individual

or individuals conducting the oral interviews; the process for any ongoing coordination with stakeholders; and format for the final deliverable.

VI. HISTORIC PROPERTY INVENTORY: CEMVN will consult with SHPO, Tribes, and other Consulting Parties, as appropriate, to establish the appropriate level of effort to accomplish a historic property inventory. Efforts may be directed toward the resurvey of previously designated historic properties which have undergone change or lack sufficient documentation, or the survey of new historic properties that lack formal designation. The proposed STM will describe the boundaries of the survey area and the data collection method in accordance with Stipulation II.A.

VII. NATIONAL REGISTER AND NATIONAL HISTORIC LANDMARK NOMINATIONS: CEMVN will consult with SHPO, Tribes, and other Consulting Parties, as appropriate, to identify individual properties that would benefit from a completed NRHP or NHL nomination form. Once the Consulting Parties have agreed to a property, the responsible entity will continue to coordinate with CEMVN through the drafting of the NRHP nomination form and will contact the NHL Program to begin the nomination process. CEMVN in turn, will forward the materials to Consulting Parties for review and comment. The SHPO and/or Tribes will provide adequate guidance to the responsible entity during the preparation of the nomination form. CEMVN will work with the SHPO to ensure the completed NRHP form is presented to the Louisiana National Register Review Committee in a timely manner for consideration by the SHPO and the Keeper of the Register.

VIII. GEO-REFERENCING OF HISTORICAL MAPS AND AERIAL PHOTOGRAPHS: CEMVN will consult with SHPO, Tribes, and other Consulting Parties, as appropriate, to identify the historical maps and/or aerial photographs for scanning and geo-referencing. Once a list of maps and/or aerial photographs have been agreed upon, the responsible entity will continue to coordinate with CEMVN through the scanning and geo-referencing process and will submit drafts of paper maps and electronic files to CEMVN, who in turn forward the materials to Consulting Parties for review and comment. The final deliverable produced by the responsible entity will include: 1) a paper copy of each scanned image; 2) a geo-referenced copy of each scanned image; 3) original high-resolution digital image of map/aerial photograph in TIFF file format; 4) copies of the user agreements for every geo-referenced image with transferability of use to all parties; 5) a process report outlining the research, and; 6) the metadata relating to both the original creation of the paper maps and the digitization process.

IX. ARCHAEOLOGICAL RESEARCH DESIGN AND DATA RECOVERY PLAN: CEMVN will consult with SHPO, Tribes, and other Consulting Parties, as appropriate, to develop and implement a data recovery plan with a research design to recover data from archaeological properties listed in, or eligible for listing in the NRHP, which will be adversely affected by ground-disturbing activities that are part of the Undertaking. The research design and data recovery plan will be consistent with the *Standards* in accordance with Stipulation II.A as well as the Louisiana Unmarked Human Burial Sites Preservation Act (RS 8:671 et seq.). This STM does not apply to the excavation of burials or burial objects.

X. MARKETING PLAN FOR DEMOLITION OR ABANDONMENT: CEMVN will consult with SHPO, Tribes, and other Consulting Parties, as appropriate, to develop and implement a feasible marketing plan to advertise the availability of historic structures identified for demolition or abandonment for sale and/or relocation. A good faith and reasonable marketing plan will include publicizing and advertising the property in newspapers, magazines, and/or websites of record for a specific period of time. The plan may require the purchaser to relocate the property outside of the Special Flood Hazard Area (100-year floodplain), and the plan will give preference to a purchaser who proposes to use a professional house mover that follows the recommendations contained in the U.S. Department of the Interior, Heritage Conservation and Recreation Service, publication: *Moving Historic Buildings* by John Obed Curtis (1979) or other similar updated reference material. If a good faith and reasonable marketing effort does not result in the identification of a party or parties willing to purchase and, if necessary, relocate the property, the property may be demolished or abandoned. This marketing plan will be used in conjunction with STM II.A or II.B, and CEMVN will ensure that the property is recorded prior to relocation or demolition.

XI. SALVAGE: CEMVN will consult with SHPO, Tribes, and other Consulting Parties, as appropriate, to identify selective architectural elements that may be salvaged from a building/structure slated for demolition. The salvaged elements may be re-used in another structure or in displays for educational purposes. As an alternative, CEMVN will consult with SHPO, Tribes, and other Consulting Parties, as appropriate, to attempt to identify a private or public not-for-profit local or regional historic preservation organization interested in receiving a donation of the architectural features. The organization may sell the architectural features to the general public for the specific purpose of raising funds to support future historic preservation activities in the region. Salvage activities will not occur at or below grade in order to avoid affecting unevaluated archaeological resources.

DEPARTMENT OF THE ARMY
CORPS OF ENGINEERS, NEW ORLEANS DISTRICT
7400 LEAKE AVENUE
NEW ORLEANS, LOUISIANA 70118

REPLY TO
ATTENTION OF

Regional Planning and Environment
Division South

Charles Reulet
Interagency Affairs - LADNR
Field Services Division
P.O. Box 44487, Capital Station
Baton Rouge, LA 70804-4487

Dear Mr. Reulet:

A Coastal Zone Consistency Determination, prepared by the U.S. Army Corps of Engineers, New Orleans District (CEMVN), for the Bipartisan Budget Act (BBA) 18 Mitigation for Construction Projects, West Shore Lake Pontchartrain, Comite River Diversion, and East Baton Rouge Flood Risk Management (BBA Mitigation EA #576) is enclosed along with a project maps and descriptions.

The proposed project consists of bottomland hardwoods and swamp restoration/creation and swamp enhancement located in the Lake Pontchartrain Basin and extending through the Mississippi Alluvial Plain, south of and including the Southern Holocene Meander Belts (73k).

Please address any comments or questions to the attention of Ms. Tammy Gilmore; U.S. Army Corps of Engineers; Regional Planning and Environmental Division South; CEMVN-PDN-CEP; 7400 Leake Avenue; New Orleans, Louisiana 70118.

Sincerely,

for

Marshall K. Harper
Chief, Environmental Planning Branch

Enclosures

Coastal Zone Consistency Determination

Bipartisan Budget Act (BBA) 18 Mitigation for Construction Projects,

West Shore Lake Pontchartrain, Comite River Diversion,

and East Baton Rouge Flood Risk Management

EA #576

The table below identifies the Tentatively Selected Alternative for the BBA Mitigation. The projects in red text are the only projects that fall within the coastal zone and are therefore the focus of this determination. Any combination of the TSPs identified in the TSA could be used to satisfy the mitigation needs of 99 AAHUs BLH-Wet in CZ, 702 AAHUs BLH-wet out of CZ, and 1,504 AAHUs swamp.

Table 2-3: Tentatively Selected Alternative

	Projects	Habitat	AAHUs	Acres
BLH-Wet in CZ	Mitigation Bank	BLH-wet		TBD
	Saint John	BLH-wet	42.1	94.7
	Albania South	BLH-wet	Max of 99	Max of 180
	Albania North	BLH-wet	Max of 99	Max of 190.4
Swamp in CZ	Mitigation Bank	Swamp		TBD
	Pine Island	Swamp	774.7	1,965.0
	Joyce	Swamp	195.1	1,126.1
	Albania South	Swamp	up to 87.7	up to 192.1
	Albania North	Swamp	up to 424.1	up to 964.8
	Cote Blanche	Swamp	up to 212.1	up to 446
BLH-Wet Out of CZ	Mitigation Bank	BLH-wet		TBD
	Ascension	BLH-wet	28.5	55.8
	Feliciana	BLH-wet	155.6	267.0
	GBRPC	BLH-wet	54.1	134.9
	St James	BLH-wet	676.2	1246.0

The following projects consist of converting agricultural lands to forested wetlands and would all require similar construction activities. St John, Albania South, Albania North, and Cote Blanche. Below is a summary of those construction activities required to achieve mitigation at the aforementioned sites.

The work would consist of construction of new gravel access roads, degrading some areas to a depth of .5ft to 1.5ft (+/- 0.5ft) (site specific), backfilling of existing ponds (site specific), demolition of some structures (site specific), minor grading to ensure positive drainage, harrowing soil to receive planting, and planting of canopy and mid-story plant species required to establish BLH-wet and/or swamp habitat. All demolished material and earthen material would be hauled off by the Contractor to a Government approved disposal area, assume 15 mile one way haul. Quantities, access duration and staging would vary among sites and are discussed for each project along with any site specific components (attachment 1).

The Pine Island project consists of hydraulically dredging material from Lake Pontchartrain and pumping it into adjacent open water areas. The swamp creation area would be approximately 1,965 acres and would be filled to an elevation of +2.5 feet and expected to settle to swamp elevation of +2.0 feet. The swamp footprint would be planted with appropriate swamp species upon satisfactory settlement and dewatering of the dredged material, approximately 1 year after initial construction.

The borrow plan is to obtain material from a 2,238 acre site in Lake Pontchartrain. Swamp restoration would require borrow of approximately 16.4 million cubic yards of material. Borrow excavation would not be allowed greater than 10 feet below the existing lake bottom, which ranges from 9 to 10 feet in depth, except that a tolerance of 1-feet below this target elevation would be allowed to account for inaccuracies in the dredging process.

A pipeline corridor has been designated from the borrow source to the shoreline. The dredge pipeline would be submerged within this corridor, and then the dredge pipe would be laid across the shoreline and into the swamp creation area. The area of shoreline disturbed by this pipeline access effort would be minimum and would be repaired upon completion of the dredging operation.

The Joyce project consists of simply planting appropriate swamp species in degraded swamp areas of the Joyce Wildlife Management Area. All plants to be installed would be 1 gallon stock. All plantings would be protected by predation guards. This would be accomplished by airboats, motor boats, ATVs and possibly marsh buggies.

Detailed project descriptions of each project are attached.

Louisiana Administrative Code

Title 43

NATURAL RESOURCES

Part I. Office of the Secretary

Chapter 7. Coastal Management

Subchapter B. Coastal Use Guidelines

Coastal use guidelines as approved by the House Natural Resources Committee on July 9, 1980, the Senate Natural Resources Committee on July 11, 1980, and the governor on July 24, 1980.

§701. Guidelines Applicable to All Uses

A. The guidelines must be read in their entirety. Any proposed use may be subject to the requirements of more than one guideline or section of guidelines and all applicable guidelines must be complied with.

Response: Acknowledged. The guidelines have been ready in their entirety.

B. Conformance with applicable water and air quality laws, standards and regulations, and with those other laws, standards and regulations which have been incorporated into the coastal resources program shall be deemed in conformance with the program except to the extent that these guidelines would impose additional requirements.

Response: Acknowledged and concur

C. The guidelines include both general provisions applicable to all uses and specific provisions applicable only to certain types of uses. The general guidelines apply in all situations. The specific guidelines apply only to the situations they address. Specific and general guidelines should be interpreted to be consistent with each other. In the event there is an inconsistency, the specific should prevail.

Response: Acknowledged.

D. These guidelines are not intended to nor shall they be interpreted so as to result in an involuntary acquisition or taking of property.

Response: Acknowledged.

E. No use or activity shall be carried out or conducted in such a manner as to constitute a violation of the terms of a grant or donation of any lands or waterbottoms to the state or any subdivision thereof. Revocations of such grants and donations shall be avoided.

Response: Acknowledged.

F. Information regarding the following general factors shall be utilized by the permitting authority in evaluating whether the proposed use is in compliance with the guidelines:

1. type, nature, and location of use;

2. elevation, soil, and water conditions and flood and storm hazard characteristics of site;

3. techniques and materials used in construction, operation, and maintenance of use;

4. existing drainage patterns and water regimes of surrounding area including flow, circulation, quality, quantity, and salinity; and impacts on them;

5. availability of feasible alternative sites or methods of implementing the use;

6. designation of the area for certain uses as part of a local program;

7. economic need for use and extent of impacts of use on economy of locality;

8. extent of resulting public and private benefits;

9. extent of coastal water dependency of the use;

10. existence of necessary infrastructure to support the use and public costs resulting from use;

11. extent of impacts on existing and traditional uses of the area and on future uses for which the area is suited;

12. proximity to and extent of impacts on important natural features such as beaches, barrier islands, tidal passes, wildlife and aquatic habitats, and forest lands;

13. the extent to which regional, state, and national interests are served including the national interest in resources and the siting of facilities in the coastal zone as identified in the coastal resources program;

14. proximity to, and extent of impacts on, special areas, particular areas, or other areas of particular concern of the state program or local programs;

15. likelihood of, and extent of impacts of, resulting secondary impacts and cumulative impacts;

16. proximity to and extent of impacts on public lands or works, or historic, recreational, or cultural resources;

17. extent of impacts on navigation, fishing, public access, and recreational opportunities;

18. extent of compatibility with natural and cultural setting;

19. extent of long term benefits or adverse impacts.

Response: Acknowledged.

G. It is the policy of the coastal resources program to avoid the following adverse impacts. To this end, all uses and activities shall be planned, sited, designed, constructed, operated, and maintained to avoid to the maximum extent practicable significant:

1. reductions in the natural supply of sediment and nutrients to the coastal system by alterations of freshwater flow;

Response: No reductions anticipated. Restoration of BLH-Wet and swamp habitat and reconnection of the project area to the coastal zone would slightly increase the natural supply of sediment and nutrients into the coastal system.

2. adverse economic impacts on the locality of the use and affected governmental bodies;

Response: There would be no significant adverse economic impacts.

3. detrimental discharges of inorganic nutrient compounds into coastal waters;

Response: no inorganic nutrients would be discharged with the proposed projects

4. alterations in the natural concentration of oxygen in coastal waters;

Response: no alterations are anticipated as the borrow site for the Pine Island project has been designed to avoid such alterations.

5. destruction or adverse alterations of streams, wetland, tidal passes, inshore waters and waterbottoms, beaches, dunes, barrier islands, and other natural biologically valuable areas or protective coastal features;

Response: 1,945 acres of shallow ponds would be converted to swamp. 2,238 acres of waterbottom would be impacted due to this action. The conversion of shallow ponds to swamp would be beneficial to coastal processes. The impact to waterbottoms would not be destructive or significantly adverse considering the size of Lake Pontchartrain.

6. adverse disruption of existing social patterns;

Response: none anticipated

7. alterations of the natural temperature regime of coastal waters;

Response: none anticipated

8. detrimental changes in existing salinity regimes;

Response: none anticipated

9. detrimental changes in littoral and sediment transport processes;

Response: none anticipated

10. adverse effects of cumulative impacts;

Response: none anticipated

11. detrimental discharges of suspended solids into coastal waters, including turbidity resulting from dredging;

Response: There would discharges of suspended solids within Lake Pontchartrain during dredging activities. These impacts are expected to be minimum and temporary.

12. reductions or blockage of water flow or natural circulation patterns within or into an estuarine system or a wetland forest;

Response: The swamp creation site would require retention dikes during pumping. This would block water flow into the area but only during construction and consolidation. The dikes would be degraded 1-3 years after construction in order to reestablish tidal connectivity.

13. discharges of pathogens or toxic substances into coastal waters;

Response: no pathogens or toxic substances would be discharged.

14. adverse alteration or destruction of archaeological, historical, or other cultural resources;

Response: all archaeological, historical, or other cultural resources would be avoided.

15. fostering of detrimental secondary impacts in undisturbed or biologically highly productive wetland areas;

Response: no action would take place within existing wetlands.

16. adverse alteration or destruction of unique or valuable habitats, critical habitat for endangered species, important wildlife or fishery breeding or nursery areas, designated wildlife management or sanctuary areas, or forestlands;

Response: the mitigation projects would be of benefit to wildlife, fisheries and forestlands.

17. adverse alteration or destruction of public parks, shoreline access points, public works, designated recreation areas, scenic rivers, or other areas of public use and concern;

Response: there would be no alteration of these resources.

18. adverse disruptions of coastal wildlife and fishery migratory patterns;

Response: none anticipated

19. land loss, erosion, and subsidence;

Response: the project would help prevent land loss, erosion, and subsidence by creating forested wetlands in shallow ponds adjacent to Lake Pontchartrain

20. increases in the potential for flood, hurricane and other storm damage, or increases in the likelihood that damage will occur from such hazards;

Response: not anticipated

21. reduction in the long term biological productivity of the coastal ecosystem.

Response: the project would enhance the long term biological productivity of the coastal ecosystem by creating forested wetlands

H. 1. In those guidelines in which the modifier "maximum extent practicable" is used, the proposed use is in compliance with the guideline if the standard modified by the term is complied with. If the modified standard is not complied with, the use will be in compliance with the guideline if the permitting authority finds, after a systematic consideration of all pertinent information regarding the use, the site and the impacts of the use as set forth in Subsection F above, and a balancing of their relative significance, that the benefits resulting from the proposed use would clearly outweigh the adverse impacts resulting from noncompliance with the modified standard and there are no feasible and practical alternative locations, methods, and practices for the use that are in compliance with the modified standard and:

a. significant public benefits will result from the use; or

b. the use would serve important regional, state, or national interests, including the national interest in resources and the siting of facilities in the coastal zone identified in the coastal resources program, or;

c. the use is coastal water dependent.

2. The systematic consideration process shall also result in a determination of those conditions necessary for the use to be in compliance with the guideline. Those conditions shall assure that the use is carried out utilizing those locations, methods, and practices which maximize conformance to the modified standard; are technically, economically, environmentally, socially, and legally feasible and practical; and minimize or offset those adverse impacts listed in §701.G and in the Subsection at issue.

   Response: Acknowledged

I. Uses shall to the maximum extent practicable be designed and carried out to permit multiple concurrent uses which are appropriate for the location and to avoid unnecessary conflicts with other uses of the vicinity.

   Response: Acknowledged

J. These guidelines are not intended to be, nor shall they be, interpreted to allow expansion of governmental authority beyond that established by R.S. 49:214.21-49:214.42, as amended; nor shall these guidelines be interpreted so as to require permits for specific uses legally commenced or established prior to the effective date of the coastal use permit program nor to normal maintenance or repair of such uses.

   Response: Acknowledged

AUTHORITY NOTE: Promulgated in accordance with R.S. 49:214.27

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of the Secretary, LR 6:493 (August 1980).

§703. Guidelines for Levees

These guidelines are not applicable as the proposed action does not include any levee work.

§705. Guidelines for Linear Facilities

These guidelines are not applicable as the proposed action does not include construction of any linear facilities.

§707. Guidelines for Dredged Spoil Deposition

A. Spoil shall be deposited utilizing the best practical techniques to avoid disruption of water movement, flow, circulation, and quality.

   Response: Concur. The project would be a confined pump and fill process.

B. Spoil shall be used beneficially to the maximum extent practicable to improve productivity or create new habitat, reduce or compensate for environmental damage done by dredging activities, or prevent environmental damage. Otherwise, existing spoil disposal areas or upland disposal shall be utilized to the maximum extent practicable rather than creating new disposal areas.

   Response: Concur. The project is dredging and pumping fill to create swamp habitat.

C. Spoil shall not be disposed of in a manner which could result in the impounding or draining of wetlands or the creation of development sites unless the spoil deposition is part of an approved levee or land surface alteration project.

Response: Concur. The project is dredging and pumping fill to create swamp habitat.

D. Spoil shall not be disposed of on marsh, known oyster or clam reefs, or in areas of submersed vegetation to the maximum extent practicable.

Response: Concur. The shallow ponds in which material would be placed may contain some SAV. However, the project would be creating nearly 2,000 acres of swamp.

E. Spoil shall not be disposed of in such a manner as to create a hindrance to navigation or fishing, or hinder timber growth.

Response: Concur.

F. Spoil disposal areas shall be designed and constructed and maintained using the best practical techniques to retain the spoil at the site, reduce turbidity, and reduce shoreline erosion when appropriate.

Response: Concur. The project would be a confined pump and fill process to create swamp habitat.

G. The alienation of state-owned property shall not result from spoil deposition activities without the consent of the Department of Natural Resources.

Response: Concur.

AUTHORITY NOTE: Promulgated in accordance with R.S. 49:214.27.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of the Secretary, LR 6:493 (August 1980).

§709. Guidelines for Shoreline Modification

These guidelines are not applicable as the proposed action would not not include shoreline alteration.

§711. Guidelines for Surface Alterations

A. Industrial, commercial, urban, residential, and recreational uses are necessary to provide adequate economic growth and development. To this end, such uses will be encouraged in those areas of the coastal zone that are suitable for development. Those uses shall be consistent with the other guidelines and shall, to the maximum extent practicable, take place only:

1. on lands 5 feet or more above sea level or within fast lands; or

2. on lands which have foundation conditions sufficiently stable to support the use, and where flood and storm hazards are minimal or where protection from these hazards can be reasonably well achieved, and where the public safety would not be unreasonably endangered, and:

a. the land is already in high intensity of development use; or

b. there is adequate supporting infrastructure; or

c. the vicinity has a tradition of use for similar habitation or development.

Response: These are forested wetland creation projects and would not allow for Industrial, commercial, urban, or residential uses. Hunting, hiking, bird watching etc. may potentially be allowed at any of the mitigation sites.

B. Public and private works projects such as levees, drainage improvements, roads, airports, ports, and public utilities are necessary to protect and support needed development and shall be encouraged. Such projects shall, to the maximum extent practicable, take place only when:

1. they protect or serve those areas suitable for development pursuant to §711.A; and

2. they are consistent with the other guidelines; and

3. they are consistent with all relevant adopted state, local, and regional plans.

Response: Not Applicable. These are forested wetland creation projects.

C. Reserved.

D. To the maximum extent practicable wetland areas shall not be drained or filled. Any approved drain or fill project shall be designed and constructed using best practical techniques to minimize present and future property damage and adverse environmental impacts.

Response: Not Applicable. These are forested wetland creation projects from agricultural land or shallow open water.

A. Coastal water dependent uses shall be given special consideration in permitting because of their reduced choice of alternatives.

Response: Concur. The swamp impacts that are being mitigated are coastal zone impacts and therefore must be mitigated within the coastal zone. Although the Pine Island project would not be constructed within coastal water, it would be dependent on the tidal connectivity to coastal water.

B. Areas modified by surface alteration activities shall, to the maximum extent practicable, be revegetated, refilled, cleaned, and restored to their predevelopment condition upon termination of the use.

Response: concur. These are forested wetland creation projects.

C. Site clearing shall to the maximum extent practicable be limited to those areas immediately required for physical development.

Response: Concur.

D. Surface alterations shall, to the maximum extent practicable, be located away from critical wildlife areas and vegetation areas. Alterations in wildlife preserves and management areas shall be conducted in strict accord with the requirements of the wildlife management body.

Response: Concur.

E. Surface alterations which have high adverse impacts on natural functions shall not occur, to the maximum extent practicable, on barrier islands and beaches, isolated cheniers, isolated natural ridges or levees, or in wildlife and aquatic species breeding or spawning areas, or in important migratory routes.

Response: Concur.

F. The creation of low dissolved oxygen conditions in the water or traps for heavy metals shall be avoided to the maximum extent practicable.

Response: Concur. The borrow pit for the Pine Island project was designed to avoid low dissolved oxygen conditions.

G. Surface mining and shell dredging shall be carried out utilizing the best practical techniques to minimize adverse environmental impacts.

Response: Not Applicable

H. The creation of underwater obstructions which adversely affect fishing or navigation shall be avoided to the maximum extent practicable.

Response: Not Applicable

I. Surface alteration sites and facilities shall be designed, constructed, and operated using the best practical techniques to prevent the release of pollutants or toxic substances into the environment and minimize other adverse impacts.

Response: Concur

J. To the maximum extent practicable only material that is free of contaminants and compatible with the environmental setting shall be used as fill.

Response: Concur. A 404(b)(1) has been prepared and a Water Quality Certification request has been submitted.

AUTHORITY NOTE: Promulgated in accordance with R.S. 49:214.27.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of the Secretary, LR 6:493 (August 1980).

§713. Guidelines for Hydrologic and Sediment Transport Modifications

A. The controlled diversion of sediment-laden waters to initiate new cycles of marsh building and sediment nourishment shall be encouraged and utilized whenever such diversion will enhance the viability and productivity of the outfall area. Such diversions shall incorporate a plan for monitoring and reduction and/or amelioration of the effects of pollutants present in the freshwater source.

Response: Not applicable. The only sediment transport that would occur with this project is a pump and fill.

B. Sediment deposition systems may be used to offset land loss, to create or restore wetland areas or enhance building characteristics of a development site. Such systems shall only be utilized as part of an approved plan. Sediment from these systems shall only be discharged in the area where the proposed use is to be accomplished.

Response: Not applicable. The only sediment transport that would occur with this project is a pump and fill.

C. Undesirable deposition of sediments in sensitive habitat or navigation areas shall be avoided through the use of the best preventive techniques.

Response: Concur. Sediment would be deposited in shallow ponds adjacent to Lake Pontchartrain and surrounding wetlands.

D. The diversion of freshwater through siphons and controlled conduits and channels, and overland flow to offset saltwater intrusion and to introduce nutrients into wetlands shall be encouraged and utilized whenever such diversion will enhance the viability and productivity of the outfall area. Such diversions shall incorporate a plan for monitoring and reduction and/or amelioration of the effects of pollutants present in the freshwater source.

Response: Not applicable. The only sediment transport that would occur with this project is a pump and fill.

E. Water or marsh management plans shall result in an overall benefit to the productivity of the area.

Response: Not applicable. This is not a water or marsh management project

F. Water control structures shall be assessed separately based on their individual merits and impacts and in relation to their overall water or marsh management plan of which they are a part.

Response: Not applicable. This project does not include water control stuctures

G. Weirs and similar water control structures shall be designed and built using the best practical techniques to prevent "cut arounds," permit tidal exchange in tidal areas, and minimize obstruction of the migration of aquatic organisms.

Response: Concur. This project would restore connectivity to the created forested wetland.

H. Impoundments which prevent normal tidal exchange and/or the migration of aquatic organisms shall not be constructed in brackish and saline areas to the maximum extent practicable.

Response: Not applicable. The project is not located within brackish or saline systems

I. Withdrawal of surface and ground water shall not result in saltwater intrusion or land subsidence to the maximum extent practicable.

Response: Not applicable.

AUTHORITY NOTE: Promulgated in accordance with R.S. 49:214.27.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of the Secretary, LR 6:493 (August 1980).

§715. Guidelines for Disposal of Wastes

The proposed action would not involve the disposal of wastes and, therefore, these guidelines are not applicable.

§717. Guidelines for Uses that Result in the Alteration of Waters Draining into Coastal Waters

These guidelines are not applicable as the proposed action would not involve the alteration of waters draining into coastal water.

§719. Guidelines for Oil, Gas, and Other Mineral Activities

The proposed action would not involve oil, gas, and other mineral activities and, therefore, these guidelines are not applicable

OTHER STATE POLICIES INCORPORATED INTO THE PROGRAM

Section 213.8A of Act 361 directs the Secretary of DOTD, in developing the LCRP, to include all applicable legal and management provisions that affect the coastal zone or are necessary to achieve the purposes of Act 361 or to implement the guidelines effectively. It states:

The Secretary shall develop the overall state coastal management program consisting of all applicable constitutional provisions, laws and regulations of this state which affect the coastal zone in accordance with the provisions of this Part and shall include within the program such other applicable constitutional or statutory provisions, or other regulatory or management programs or activities as may be necessary to achieve the purposes of this Part or necessary to implement the guidelines hereinafter set forth.

The constitutional provisions and other statutory provisions, regulations, and management and regulatory programs incorporated into the LCRP are identified and described in Appendix 1. A description of how these other authorities are integrated into the LCRP and coordinated during program implementation is presented in Chapter IV. Since all of these policies are incorporated into the LCRP, federal agencies must ensure that their proposed actions are consistent with these policies as well as the coastal use guidelines (CZMA, Section 307).

CONSISTENCY DETERMINATION

This Coastal Zone Consistency determination has been completed on the mitigation for the BBA Construction Projects to mitigate impacts to 99 AAHUs of BLH-Wet habitat and 1,504 AAHUs of swamp habitat. The TSA would restore up to approximately 2,169 acres of BLH-Wet habitat and 4,694 acres of swamp and reconnect approximately 5,159 acres with the coastal zone. Since the impacts from constructing any permitted bank have been assessed through NEPA compliance achieved during the Regulatory permitting process no new direct, indirect or cumulative impacts to significant resources in the coastal zone would be incurred from that project.

Based on this evaluation, the U. S. Army Corps of Engineers, New Orleans District, has determined that the implementation of the proposed action is consistent, to the maximum extent practicable, with the State of Louisiana's Coastal Resources Program.

PROJECT: BBA Mitigation, St. John BLH-Wet Creation, St. John the Baptist Parish, Louisiana

GENERAL SOW:

The work consists of proposed mitigation site that is composed of BLH (wet) creation, up to approximately 94.7 acres located at existing agricultural fields north of the Mississippi River between US-61 (Airline Highway) and Route LA-637 northwest of the unincorporated community of Reserve in St. John the Baptiste Parish. Work will include minor grading to ensure positive drainage, degrading of existing unpaved roads, harrowing soil to receive planting, and planting of canopy and mid-story plant species required to establish BLH habitat as stated herein. The proposed BLH area is continuous with no breaks.

PROPOSED PLANTING:

Assuming project BLH area:

BLH Canopy: Approximately 51,565 seedlings. (545 seedlings per acre)

BLH Mid-story: Approximately 12,985 seedlings. (136 seedlings per acre)

Assume BLH canopy plants species will be installed on an 8ft by 10ft grid.

Assume BLH mid-story plants species will be installed on a 16ft by 20ft grid.

Existing agriculture rows will be harrowed and graded for proper drainage prior to planting. To maximized water flow into the site, any existing dikes/berms within the property boundary which prevent water flow into the site will be degraded as long as this effort does not harm or adversely affect outside properties/water sources.

Mowing poles, timber post, 6’ above grade will be installed on each planted row every 50’ to 100’ to guide mowing operations.

DEGRADE AREAS:

The entire site will be degraded a depth of approximately 1.0 ft. to obtain proper hydrology for BLH habitat.

BLH - Area 1: Degrade approximately 152,785 CY.

Degrade material will be hauled off site to a contractor-provided disposal area, assume a 15 mile one-way haul distance.

DEMOLISHION:

No existing structures within the mitigation site. Existing unpaved roads to be degraded.

DURATION:

The estimated construction duration for this project is 280 calendar days.

SITE ACCESS:

Access to the project work limits will be as follows:

From the north use us-61 (w airline highway) and take either West 10th street (Route LA-637) or Rosenwald Street). Both roads lead to an unpaved road that runs around the western and southern perimeter of the site and intersects with another unpaved road that runs through the middle of the site.

From the south use Route LA-44 to West 10th Street and enter the site using the unpaved road mentioned above.

STAGING:

Staging area(s) will only be permitted within the shown BLH area indicated on the attached drawings. The Contractor shall determine where within the BLH area limits to place staging and laydown areas suitable for the Contractor's means and methods to meet the required project period of performance. All staging area(s) shall be submitted for Government approval. The Contractor shall be permitted to place crush stone paving for parking and laydown areas along with a temporary construction trailers. No utilities will be provided by the Government, and the Contractor shall obtain all permissions and permits for utilities. All trailers, crushed stone paving, and temporary utilities shall be removed and restored to original site conditions prior to leaving the project site.

EQUIPMENT:

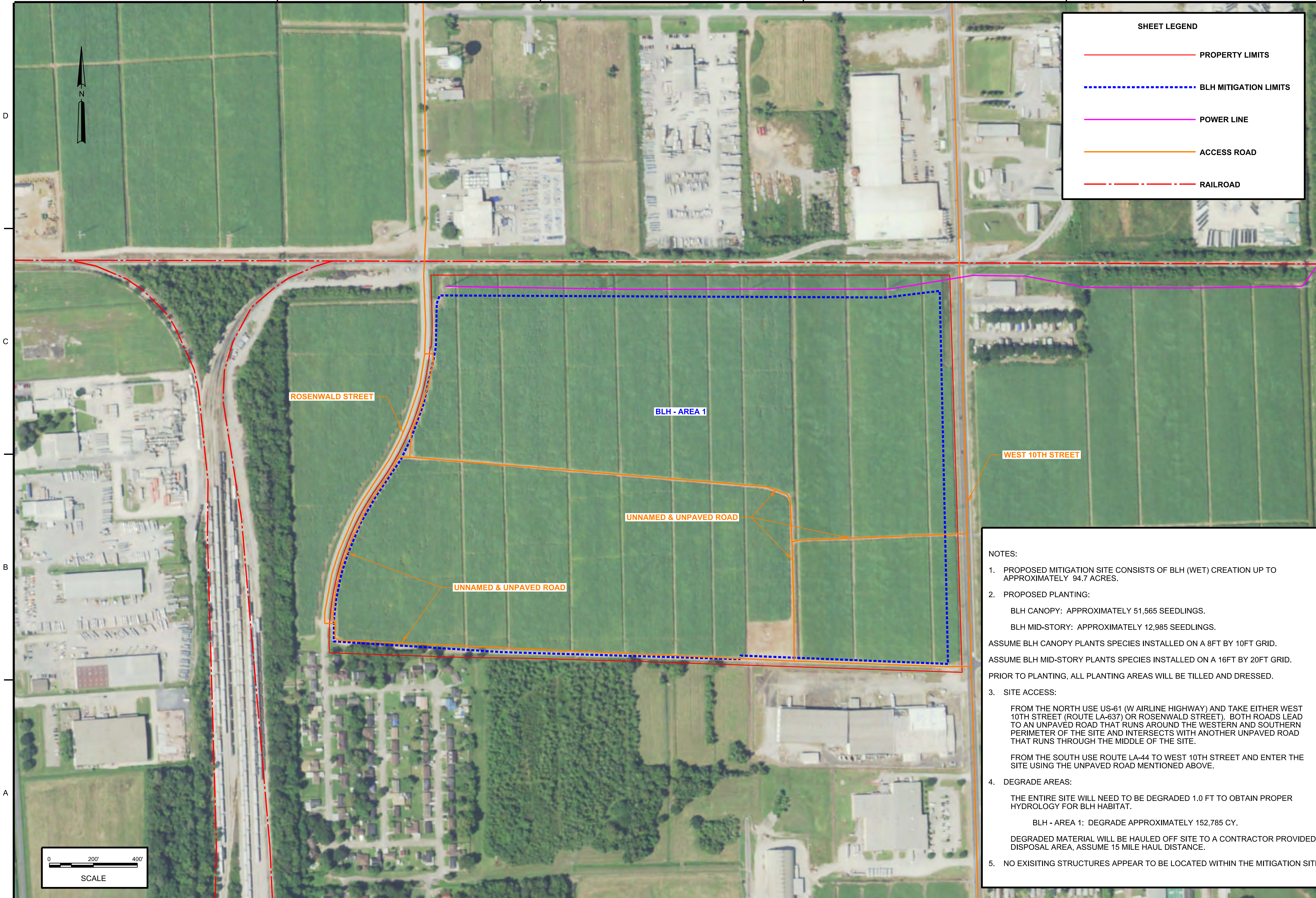
Equipment to be used for the respective work is assumed as follows:

Degrading: Up to D8 bulldozers, front loaders, off road and on road dump trucks.

Demolition: Backhoes with grapple and hammer attachments, bulldozer, front loaders, and on/off road dump trucks.

Planting Preparation: Tractor with harrow, bulldozers, and backhoe.

Planting: Pickup trucks and/or ATVs, skid loader with auger, and 2,000 to 4,000 gallon water trucks.



SHEET LEGEND

- PROPERTY LIMITS
- BLH MITIGATION LIMITS
- POWER LINE
- ACCESS ROAD
- RAILROAD

NOTES:

1. PROPOSED MITIGATION SITE CONSISTS OF BLH (WET) CREATION UP TO APPROXIMATELY 94.7 ACRES.

2. PROPOSED PLANTING:

   BLH CANOPY: APPROXIMATELY 51,565 SEEDLINGS.

   BLH MID-STORY: APPROXIMATELY 12,985 SEEDLINGS.

ASSUME BLH CANOPY PLANTS SPECIES INSTALLED ON A 8FT BY 10FT GRID.

ASSUME BLH MID-STORY PLANTS SPECIES INSTALLED ON A 16FT BY 20FT GRID.

PRIOR TO PLANTING, ALL PLANTING AREAS WILL BE TILLED AND DRESSED.

3. SITE ACCESS:

   FROM THE NORTH USE US-61 (W AIRLINE HIGHWAY) AND TAKE EITHER WEST 10TH STREET (ROUTE LA-637) OR ROSENWALD STREET). BOTH ROADS LEAD TO AN UNPAVED ROAD THAT RUNS AROUND THE WESTERN AND SOUTHERN PERIMETER OF THE SITE AND INTERSECTS WITH ANOTHER UNPAVED ROAD THAT RUNS THROUGH THE MIDDLE OF THE SITE.

   FROM THE SOUTH USE ROUTE LA-44 TO WEST 10TH STREET AND ENTER THE SITE USING THE UNPAVED ROAD MENTIONED ABOVE.

4. DEGRADE AREAS:

   THE ENTIRE SITE WILL NEED TO BE DEGRADED 1.0 FT TO OBTAIN PROPER HYDROLOGY FOR BLH HABITAT.

   BLH - AREA 1: DEGRADE APPROXIMATELY 152,785 CY.

   DEGRADED MATERIAL WILL BE HAULED OFF SITE TO A CONTRACTOR PROVIDED DISPOSAL AREA, ASSUME 15 MILE HAUL DISTANCE.

5. NO EXISITING STRUCTURES APPEAR TO BE LOCATED WITHIN THE MITIGATION SITE.

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NEW ORLEANS DISTRICT

MARK	DESCRIPTION	DATE	APPR

MARK	DESCRIPTION	DATE	APPR

U.S. ARMY CORPS OF ENGINEERS
NEW ORLEANS DISTRICT
NEW ORLEANS, LOUISIANA

DESIGNED BY: MICHAEL J. TOLIVAR
DWN BY: M.J.T.
CKD BY: J.A.B
SUBMITTED BY: M.J.T.
PLOT SCALE:
PLOT DATE: 07-05-2019
SIZE: ANSI D
FILE NAME:
DATE:
SOLICITATION NO.:
CONTRACT NO.:
FILE NUMBER:

BBA MITIGATION,
ST. JOHN BLH-WET
ST. JOHN THE BAPTIST PARISH, LA.

BLH - WET CREATION

PLAN VIEW

SHEET IDENTIFICATION
C-01

PROJECT: BBA Mitigation, Albania South BLH-Wet and Swamp Creation, St. Mary Parish, Louisiana

GENERAL SOW:

The work consists of proposed mitigation sites that are composed of swamp creation, up to approximately 81.0 acres, and BLH (wet) creation up to approximately 110.7 acres located at existing agricultural fields on Bayou Teche and east of the town of Jeanerette in St. Mary Parish. Work will include minor grading to ensure positive drainage, degrading of existing unpaved roads, harrowing soil to receive planting, and planting of canopy and mid-story plant species required to establish BLH and swamp habitat as stated herein. The proposed BLH and Swamp areas for this project are broken up into areas as follows:

BLH – Area 1: 110.73 AC
Swamp – Area 1: 81.04 AC

PROPOSED PLANTING:

Assuming project totals all areas of swamp and BLH:

Swamp Canopy: Approximately 44,170 seedlings. (545 seedlings per acre)

Swamp Mid-story: Approximately 11,025 seedlings. (136 seedlings per acre)

BLH Canopy: Approximately 30,350 seedlings. (545 seedlings per acre)

BLH Mid-story: Approximately 15,060 seedlings. (136 seedlings per acre)

Assume both swamp and BLH canopy plants species will be installed on an 8ft by 10ft grid.

Assume both swamp and BLH mid-story plants species will be installed on a 16ft by 20ft grid.

Existing agriculture rows will be harrowed and graded for proper drainage prior to planting. In general, the overall existing drainage/hydraulic conveyance on site will remain as is.

Mowing poles, timber post, 6’ above grade will be installed on each planted row every 50’ to 100’ to guide mowing operations.

DEGRADE AREAS:

All BLH areas will be degraded to a depth of 0.5 ft. – 1.0 ft. to obtain proper hydrology for BLH habitat. Quantities listed are assuming 1.0 ft. degrading.

BLH - Area 1: Degrade approximately 178,645 CY.

Degrade material will be used to fill existing canals throughout the site. All remaining degraded material will be hauled off-site at a Contractor provided disposal area, assume 15 mile one way haul. Truck washing rack(s) will be required prior to entrance of public roads.

DEMOLITION:

No existing structures appear to be present within the mitigation areas.

DURATION:

The estimated construction duration for this project is 90 calendar days.
p
SITE ACCESS:

Access to the project work limits will be as follows:

Swamp – Area 1 and BLH Area 1: From the south, use route us-90 to Pepper Road and onto Albania Road. There is also a dirt road off US-90 that run along the entire east side of the site.

From the north, use Route LA-182 to either the dirt road along the east side of the site or to Albania Road. Several existing unpaved roads intersect Albania road and the eastern road and run throughout the site.

STAGING:

Staging area(s) will only be permitted within the shown BLH or Swamp Areas indicated on the attached drawings. The Contractor shall determine where within the BLH or Swamp Area limits to place staging and laydown areas suitable for the Contractor's means and methods to meet the required project period of performance. All staging area(s) shall be submitted for Government approval. The Contractor shall be permitted to place crush stone paving for parking and laydown areas along with a temporary construction trailers. No utilities will be provided by the Government, and the Contractor shall obtain all permissions and permits for utilities. All trailers, crushed stone paving, and temporary utilities shall be removed and restored to original site conditions prior to leaving the project site.

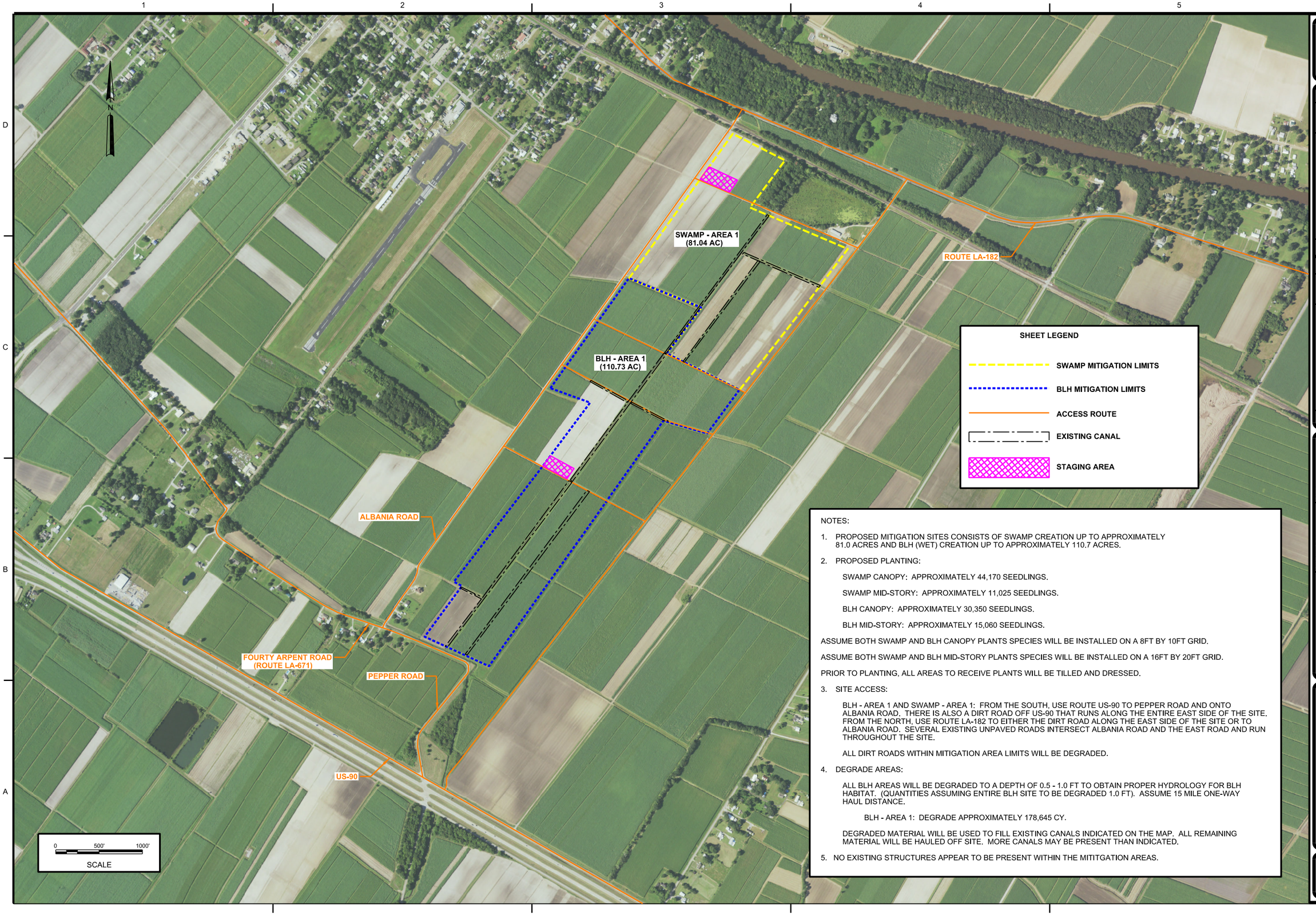
EQUIPMENT:

Equipment to be used for the respective work is assumed as follows:

Degrading: Up to D8 bulldozers, front loaders, off road and on road dump trucks.

Planting Preparation: Tractor with harrow, bulldozers, and backhoe.

Planting: Pickup trucks and/or ATVs, skid loader with auger, and 2,000 to 4,000 gallon water trucks.



NOTES:

1. PROPOSED MITIGATION SITES CONSISTS OF SWAMP CREATION UP TO APPROXIMATELY 81.0 ACRES AND BLH (WET) CREATION UP TO APPROXIMATELY 110.7 ACRES.
2. PROPOSED PLANTING:

   SWAMP CANOPY: APPROXIMATELY 44,170 SEEDLINGS.

   SWAMP MID-STORY: APPROXIMATELY 11,025 SEEDLINGS.

   BLH CANOPY: APPROXIMATELY 30,350 SEEDLINGS.

   BLH MID-STORY: APPROXIMATELY 15,060 SEEDLINGS.

ASSUME BOTH SWAMP AND BLH CANOPY PLANTS SPECIES WILL BE INSTALLED ON A 8FT BY 10FT GRID.

ASSUME BOTH SWAMP AND BLH MID-STORY PLANTS SPECIES WILL BE INSTALLED ON A 16FT BY 20FT GRID.

PRIOR TO PLANTING, ALL AREAS TO RECEIVE PLANTS WILL BE TILLED AND DRESSED.

3. SITE ACCESS:

   BLH - AREA 1 AND SWAMP - AREA 1: FROM THE SOUTH, USE ROUTE US-90 TO PEPPER ROAD AND ONTO ALBANIA ROAD. THERE IS ALSO A DIRT ROAD OFF US-90 THAT RUNS ALONG THE ENTIRE EAST SIDE OF THE SITE. FROM THE NORTH, USE ROUTE LA-182 TO EITHER THE DIRT ROAD ALONG THE EAST SIDE OF THE SITE OR TO ALBANIA ROAD. SEVERAL EXISTING UNPAVED ROADS INTERSECT ALBANIA ROAD AND THE EAST ROAD AND RUN THROUGHOUT THE SITE.

   ALL DIRT ROADS WITHIN MITIGATION AREA LIMITS WILL BE DEGRADED.

4. DEGRADE AREAS:

   ALL BLH AREAS WILL BE DEGRADED TO A DEPTH OF 0.5 - 1.0 FT TO OBTAIN PROPER HYDROLOGY FOR BLH HABITAT. (QUANTITIES ASSUMING ENTIRE BLH SITE TO BE DEGRADED 1.0 FT). ASSUME 15 MILE ONE-WAY HAUL DISTANCE.

   BLH - AREA 1: DEGRADE APPROXIMATELY 178,645 CY.

   DEGRADED MATERIAL WILL BE USED TO FILL EXISTING CANALS INDICATED ON THE MAP. ALL REMAINING MATERIAL WILL BE HAULED OFF SITE. MORE CANALS MAY BE PRESENT THAN INDICATED.

5. NO EXISTING STRUCTURES APPEAR TO BE PRESENT WITHIN THE MITITGATION AREAS.

US Army Corps of Engineers®
NEW ORLEANS DISTRICT

MARK	DESCRIPTION	DATE	APPR.

MARK	DESCRIPTION	DATE	APPR.

U.S. ARMY CORPS OF ENGINEERS
NEW ORLEANS DISTRICT
NEW ORLEANS, LOUISIANA

DESIGNED BY: MICHAEL J. TOLIVAR
DWN BY: M.J.T.
CKD BY: J.A.B
SUBMITTED BY: M.J.T.
PLOT SCALE: 1
PLOT DATE: 07/22/2019
SIZE: ANSI D
DATE:
SOLICITATION NO.:
CONTRACT NO.:
FILE NUMBER:
FILE NAME:

BBA MITIGATION,
ALBANIA SOUTH BLH AND SWAMP
ST. MARY PARISH, LA.

BLH - WET AND SWAMP CREATION PLAN VIEW

SHEET IDENTIFICATION
C-01

PROJECT: BBA Mitigation, Albania North BLH-Wet and Swamp Creation, St. Mary Parish, Louisiana

GENERAL SOW:

The work consists of proposed mitigation sites that are composed of swamp creation, up to approximately 632.7 acres, and BLH (wet) creation up to approximately 331.4 acres located at existing agricultural fields on Bayou Teche and north of the town of Jeanerette in St. Mary Parish. The western edge of the site borders Iberia Parish. Work will include demolition of some structures, minor grading to ensure positive drainage, degrading of existing unpaved roads, harrowing soil to receive planting, and planting of canopy and mid-story plant species required to establish BLH and swamp habitat as stated herein. The proposed BLH and Swamp areas for this project are broken up into multiple smaller areas as follows:

BLH – Area 1: 284.67 AC
BLH – Area 2: 46.69 AC
Swamp – Area 1: 234.07 AC
Swamp – Area 2: 138.23 AC
Swamp – Area 3: 260.38 AC

PROPOSED PLANTING:

Assuming project totals all areas of swamp and BLH:

Swamp Canopy: Approximately 344,815 seedlings. (545 seedlings per acre)

Swamp Mid-story: Approximately 86,045 seedlings. (136 seedlings per acre)

BLH Canopy: Approximately 180,595 seedlings. (545 seedlings per acre)

BLH Mid-story: Approximately 45,065 seedlings. (136 seedlings per acre)

Assume both swamp and BLH canopy plants species will be installed on an 8ft by 10ft grid.

Assume both swamp and BLH mid-story plants species will be installed on a 16ft by 20ft grid.

Existing agriculture rows will be harrowed and graded for proper drainage prior to planting. In general, the overall existing drainage/hydraulic conveyance on site will remain as is.

Mowing poles, timber post, 6’ above grade will be installed on each planted row every 50’ to 100’ to guide mowing operations.

DEGRADE AREAS:

All BLH areas will be degraded to a depth of 0.5 ft. to obtain proper hydrology for BLH habitat.

BLH - Area 1: Degrade approximately 229,635 CY.

BLH - Area 2: Degrade approximately 37,665 CY.

Degrade material will be used to fill existing canals throughout the site. All remaining degraded material will be hauled off-site at a Contractor provided disposal area, assume 15 mile one way haul. Truck washing rack(s) will be required prior to entrance of public roads.

DEMOLITION:

Existing structures at the proposed staging area in Swamp – Area 3 may be required to be demolished. All demolished materials will be hauled off by the contractor to a government approved disposal area.

DURATION:

The estimated construction duration for this project is 365 calendar days.

SITE ACCESS:

Access to the project work limits will be as follows:

Swamp – Area 1 & 2, and BLH Area 1: Existing road Justa Street via Route LA-84 from the south end of the site. Several unpaved roads which run throughout the areas can be used until planting reaches these roads. Unpaved roads will then be degraded and dressed prior to planting.

Swamp – Area 3, and BLH – Area 2: Existing road Carpenter Street via Route LA-84 from the south and becomes Lake Palourde Street at the north end of the site. Existing unpaved roads which run throughout the areas can be used until planting reaches these roads. Unpaved roads will then be degraded and dressed prior to planting.

Carpenter Street will be preserved and be used for future monitoring and maintenance operations.

STAGING:

Staging area(s) will only be permitted within the shown BLH or Swamp Areas indicated on the attached drawings. The Contractor shall determine where within the BLH or

Swamp Area limits to place staging and laydown areas suitable for the Contractor's means and methods to meet the required project period of performance. All staging area(s) shall be submitted for Government approval. The Contractor shall be permitted to place crush stone paving for parking and laydown areas along with a temporary construction trailers. No utilities will be provided by the Government, and the Contractor shall obtain all permissions and permits for utilities. All trailers, crushed stone paving, and temporary utilities shall be removed and restored to original site conditions prior to leaving the project site.

EQUIPMENT:

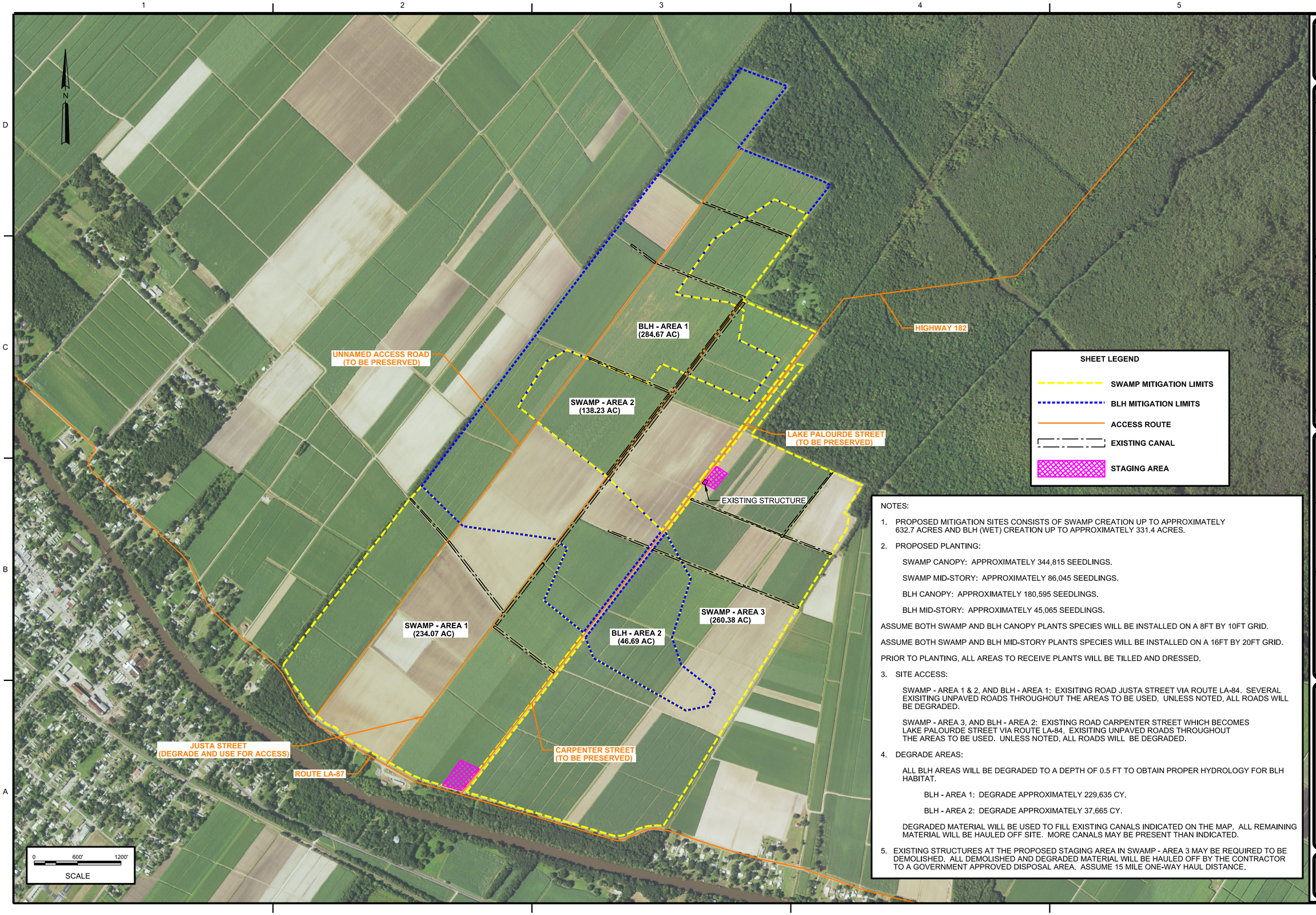
Equipment to be used for the respective work is assumed as follows:

Degrading: Up to D8 bulldozers, front loaders, off road and on road dump trucks.

Demolition: Backhoes with grapple and hammer attachments, bulldozer, front loaders, and on/off road dump trucks.

Planting Preparation: Tractor with harrow, bulldozers, and backhoe.

Planting: Pickup trucks and/or ATVs, skid loader with auger, and 2,000 to 4,000 gallon water trucks.



SHEET LEGEND

- SWAMP MITIGATION LIMITS
- BLH MITIGATION LIMITS
- ACCESS ROUTE
- EXISTING CANAL
- STAGING AREA

NOTES:

1. PROPOSED MITIGATION SITES CONSISTS OF SWAMP CREATION UP TO APPROXIMATELY 632.7 ACRES AND BLH (WET) CREATION UP TO APPROXIMATELY 331.4 ACRES.
2. PROPOSED PLANTING:

   SWAMP CANOPY: APPROXIMATELY 344,815 SEEDLINGS.

   SWAMP MID-STORY: APPROXIMATELY 86,045 SEEDLINGS.

   BLH CANOPY: APPROXIMATELY 180,595 SEEDLINGS.

   BLH MID-STORY: APPROXIMATELY 45,065 SEEDLINGS.

   ASSUME BOTH SWAMP AND BLH CANOPY PLANTS SPECIES WILL BE INSTALLED ON A 8FT BY 10FT GRID.

   ASSUME BOTH SWAMP AND BLH MID-STORY PLANTS SPECIES WILL BE INSTALLED ON A 16FT BY 20FT GRID.

   PRIOR TO PLANTING, ALL AREAS TO RECEIVE PLANTS WILL BE TILLED AND DRESSED.
3. SITE ACCESS:

   SWAMP - AREA 1 & 2, AND BLH - AREA 1: EXISITING ROAD JUSTA STREET VIA ROUTE LA-84. SEVERAL EXISITING UNPAVED ROADS THROUGHOUT THE AREAS TO BE USED. UNLESS NOTED, ALL ROADS WILL BE DEGRADED.

   SWAMP - AREA 3, AND BLH - AREA 2: EXISTING ROAD CARPENTER STREET WHICH BECOMES LAKE PALOURDE STREET VIA ROUTE LA-84. EXISITING UNPAVED ROADS THROUGHOUT THE AREAS TO BE USED. UNLESS NOTED, ALL ROADS WILL BE DEGRADED.
4. DEGRADE AREAS:

   ALL BLH AREAS WILL BE DEGRADED TO A DEPTH OF 0.5 FT TO OBTAIN PROPER HYDROLOGY FOR BLH HABITAT.

   BLH - AREA 1: DEGRADE APPROXIMATELY 229,635 CY.

   BLH - AREA 2: DEGRADE APPROXIMATELY 37,665 CY.

   DEGRADED MATERIAL WILL BE USED TO FILL EXISTING CANALS INDICATED ON THE MAP. ALL REMAINING MATERIAL WILL BE HAULED OFF SITE. MORE CANALS MAY BE PRESENT THAN INDICATED.
5. EXISTING STRUCTURES AT THE PROPOSED STAGING AREA IN SWAMP - AREA 3 MAY BE REQUIRED TO BE DEMOLISHED. ALL DEMOLISHED AND DEGRADED MATERIAL WILL BE HAULED OFF BY THE CONTRACTOR TO A GOVERNMENT APPROVED DISPOSAL AREA. ASSUME 15 MILE ONE-WAY HAUL DISTANCE.

US Army Corps of Engineers®
NEW ORLEANS DISTRICT

MARK	DESCRIPTION	DATE	APPR.

MARK	DESCRIPTION	DATE	APPR.

DESIGNED BY: MICHAEL J TOLIVAR
DWN BY: M.J.T.
CKD BY: J.A.B
SUBMITTED BY: M.J.T.
PLOT SCALE: 1
PLOT DATE: 07-02-2019
SIZE: ANSI D
FILE NAME:
DATE:
SOLICITATION NO.:
CONTRACT NO.:
FILE NUMBER:

U.S. ARMY CORPS OF ENGINEERS
NEW ORLEANS DISTRICT
NEW ORLEANS, LOUISIANA

BBA MITIGATION,
ALBANIA NORTH BLH AND SWAMP
ST. MARY PARISH, LA.

BLH - WET AND SWAMP RESTORATION PLAN VIEW

SHEET IDENTIFICATION
C-01

PROJECT: BBA Mitigation, Pine Island Swamp Creation, St. Tammany Parish, Louisiana

GENERAL SOW:

The proposed project involves creation of up to a total of approximately 1,965 acres of swamp habitat over eight separate mitigation areas as compensatory mitigation for some of the swamp impacts resulting from construction of BBA projects. The swamp creation areas (mitigation areas) would be located in open water areas around Milton Island on the north shore of Lake Pontchartrain. This site is located southwest of the town of Madisonville adjacent to the Tchefuncte River in St. Tammany Parish.

Required earthwork prior to dredging would first consist of containment dike construction or rehabilitation around the perimeter of each of the eight mitigation areas. The crest elevation of these dikes would be approximately 5.0 feet NAVD88 and each dike would have a 5-ft wide crown. Existing material within each mitigation area would be used to construct or rehabilitate the containment dikes. Temporary submerged pipelines would be placed on the bottom of the canals that run between the mitigation areas as well as underneath the roads separating them as indicated on the attached drawing. Following dike construction and installation of the temporary pipelines, a cutterhead dredge would hydraulically place material (sediment) from within the borrow area indicated on the attached drawing into the mitigation areas using the shown pipeline routes. After filling the mitigation areas is complete, a one-year settlement period would pass prior to dike degrading the containment dikes and planting the mitigation areas. The temporary pipelines would be removed after pumping of dredged materials into the mitigation areas is complete.

Earthwork would also include building a permanent shoreline protection rip-rap feature along an approximately 2,420-ft stretch of Lake Pontchartrain shoreline adjacent to Mitigation Area 7 which will be underlain with separator geotextile fabric.

After the end of the fill settlement period in the 8 mitigation areas and after the containment dikes are degraded to match the average fill elevation in each mitigation area, native canopy and midstory plants typical of swamp habitats would be installed in mitigation Areas 1 – 8 .

The approximate maximum planted acreage within the proposed mitigation areas would be as follows:

Mitigation Area	Area (Acres)
Area 1	218
Area 2	262
Area 3	524
Area 4	226

Mitigation Area	Area (Acres)
Area 5	72
Area 6	337
Area 7	142
Area 8	184
Total	**1,965**

PROPOSED PLANTING:

Assumed total plantings within the swamp mitigation areas (approximate):

Mitigation Area	Canopy Seedlings	Midstory Seedlings
Area 1	118,810	29,648
Area 2	142,790	35,632
Area 3	285,580	71,264
Area 4	123,170	30,736
Area 5	39,240	9,792
Area 6	183,665	45,832
Area 7	77,390	19,312
Area 8	100,280	25,024
Total	**1,070,925**	**267,240**

Assume swamp canopy plant species would be installed on an 8ft by 10ft grid (545 seedlings per acre)

Assume swamp midstory plant species would be installed on a 16ft by 20ft grid (136 seedlings per acre)

Mowing poles (PVC pipes extending roughly 6 feet above grade) would be installed on each planted row every 50’ to 100’ to guide mowing operations.

Dike Construction/Rehabilitation:

Total perimeter retention would be required to retain dredged material and to allow for vertical accretion. The total length of each mitigation area which would require dike construction, rehabilitation, or lifting would be as follows:

Mitigation Area	Perimeter (ft)
Area 1	14,925
Area 2	22,366
Area 3	22,132
Area 4	19,090
Area 5	9,050
Area 6	16,948
Area 7	12,343
Area 8	30,628
Total	**147,482**

Any existing features such as existing perimeter dikes, access roads, and or ridges would be used for retention of dredged material. If dike rehabilitation is required, material for dike maintenance would come from within the proposed footprint of the swamp sites.

Existing dikes would be used to the extent practical. The retention dikes would be constructed to elevation 5.0 feet NAVD88, with a 5'-wide crown to assure dike integrity. The borrow ditch in each mitigation area used to obtain material for the retention (containment) dikes would be offset a minimum of 40' from each dike to assure dike stability. The borrow ditches would be on the interior side of the dikes (e.g. within the limits of the mitigation areas).``

Plugs would be left in the borrow ditch at 1,000- foot intervals to minimize water flow and material loss during pumping operations. Spill boxes and/or weirs would be constructed at locations along the northern and western retention dikes as necessary to allow for effluent water release from within the swamp creation areas for approximately one year after construction, when the perimeter dikes are breached and degraded. If deemed necessary by the construction contractor, a low-level interior weir or baffle dikes would be constructed to assist in vertical stacking of dredged material. The gaps would be spaced with care being taken to locate gaps at existing natural bayous, canals, or other openings. The gaps would require a 25-foot bottom at approximately elevation 0.0 feet NAVD88 (lower limit of existing nearby marsh platform) to assure water interchange with the existing marsh.

Rip-Rap Construction:

On the Lake Pontchartrain shoreline of Mitigation Area 7, a 2,240-ft long stretch of shoreline covering approximately 0.93 acres would be reinforced with a stone bank rip-rap. This rip-rap would be two feet thick and be placed on the graded shoreline from elevation 0' up to elevation 4.5'. This two-foot thick rip-rap would be underlain with a 200 pound separator geotextile fabric. Total estimated geotextile fabric quantity for this

rip-rap construction is 4,575 square yards and the estimated stone quantity is 5,700 tons or 2,940 cubic yards.

Dredging:

A hydraulic cutterhead dredge would be used to pump approximately 16.4 million cubic yards of material via a pipeline from the proposed borrow site in Lake Pontchartrain to the swamp creation sites. Initial elevation for dredge fill within each mitigation area would be to approximate elevation 2.5 feet NAVD88, with the goal of ultimately resulting in a final target swamp elevation of approximately 2.0 feet. The maximum allowable dredging depth within the borrow site would be -19 feet NAVD88 plus a 1-foot allowable overdepth to account for inaccuracies in the dredging process.

Three 75-ft corridors are indicated on the drawing and run from the borrow site into Mitigation Areas 4 and 7 have been established to place subline for pumping material from the proposed borrow site to the mitigation areas. The first pipeline corridor runs down the middle of the entrance channel to the east of Milton Island and to the east of an area indicated to be a shell reef site. All activities related to this proposed work would avoid this area. All pipeline corridors would be placed and located in a manner which does not impact existing wetlands.

The estimated quantities required to achieve the initial target fill elevation of 2.5ft NAVD88 within the eight mitigation areas are as follows:

Mitigation Area	Fill Quantity (Cubic Yards)
Area 1	1,809,900
Area 2	2,205,053
Area 3	4,257,765
Area 4	1,900,702
Area 5	625,541
Area 6	2,756,592
Area 7	1,196,595
Area 8	1,649,163
Total	**16,401,310**

DURATION:

Per the PDT, the assumed start date for construction is 1 June 2020. Necessary dike construction and initial pumping of sediment into the mitigation areas would be completed around June 2021. After a year-long settlement period, degrading of dike would begin in June 2022 and be completed no sooner than March 2023. Initial planting activities would likely be conducted in November 2023 through mid-March

2024. Notice of Construction Completion (NCC) would be issued soon after completion of the initial planting event.

Monitoring to determine success of the initial plantings would likely occur in October 2024 with the report submitted in December 2024. If this monitoring showed success criteria had been satisfied, a second monitoring event would likely occur in October 2025 with the report submitted in December 2025. Assuming this latter report showed applicable success criteria had been satisfied, the overall project would be turned over to the Non-Federal Sponsor in approximately March 2026.

SITE ACCESS:

Access to the project site would be as follows:

From the north, Guste Island Road runs between Areas 1 and 8. This road then splits into Grand Rue Port Louis Road which runs between Areas 4, 5, and 7. South Chenier Drive runs between Area 2 and Area 3. Access to the mitigation areas can also be made via the many canals that run between all the areas.

STAGING:

Staging of equipment for initial dike construction activities and riprap construction would be via barge(s) on or near the Lake Pontchartrain shoreline as indicated on the attached drawing. The proposed staging areas would first be submitted for Government approval. Staging of materials for the initial planting event would be within the mitigation areas themselves most likely.

MAINTENANCE/MANAGEMENT ACTIVITIES:

After completion of all dike construction, dredge pumping, and soil preparation activities but prior to initial plantings, herbicides may be applied to the mitigation areas to help control invasive and nuisance plant species. Mowing may also be performed in the mitigation area during this time period. After the mitigation area is initially planted and before the success of these plantings is evaluated (monitored), herbicide applications and/or mowing may also occur to help suppress undesirable vegetation. Throughout this period, access/maintenance roads would be maintained as necessary as would be any new drainage features established.

The first monitoring event would occur in the fall of the year of the initial plantings. This report could show additional plantings are needed or it may not. Regardless, various mowing events and herbicide application events would take place during the period from the first monitoring event to the second monitoring event performed the next year. It is assumed that the second monitoring event would show success criteria for the plantings had been achieved as were success criteria about control of invasive and nuisance plants. It is also assumed this monitoring event would show the success criterion established for the final soil surface elevation in the mitigation areas had been

achieved. In this case, the Non-Federal Sponsor would take over the project including all management and maintenance work.

EQUIPMENT:

Equipment to be used for the respective work is assumed as follows:

Dike Construction: Excavators, marsh buggies, airboats

Dredge Pumping: Cutterhead dredge, tugs, crewboats, pipeline (steel, and rubber), derricks, barges, up to D-8 dozers, excavators, front-end loaders, marsh buggies, airboats, marsh masters

Rip-rap Construction: Excavators, scows, barges, up to D-8 dozers, front-end wheel loaders, marsh buggies

Planting Preparation: Tractor with harrow and scarifier, bulldozers, and backhoe.

Planting: Pickup trucks, ATVs and/or UTVs, and marsh buggies.

SHEET LEGEND

- PROPERTY LIMITS
- SWAMP MITIGATION LIMITS
- ACCESS ROAD
- TRANSMISSION LINE
- TYPICAL PIPELINE CORRIDOR
- 75-FT PIPELINE CORRIDOR

GUSTE ISLAND ROAD
GUSTE ISLAND ROAD
GUSTE ISLAND ROAD
AREA 1 218 AC
AREA 8 184 AC
GRAND RUE PORT LOUIS ROAD
PIPELINE PLACED ON CANAL BOTTOM AND UNDERNEATH ROAD
AREA 2 262 AC
AREA 5 72 AC
AREA 6 337 AC
PIPELINE PLACED UNDERNEATH ROAD
S CHENIER DRIVE
AREA 7 142 AC
PIPELINE PLACED UNDERNEATH ROAD
AREA 4 226 AC
RIPRAP SHORELINE PROTECTION
POTENTIAL STAGING AREA
AREA 3 524 AC
TCHEFUNCTE RIVER
PIPELINE PLACED UNDERNEATH BRIDGE
CULTURAL AREA (SHELL REEF)
SAIL ROUTE
LAKE PONCHARTRAIN
PROPOSED BORROW AREA 2,238 AC

NOTES:

1. PROPOSED MITIGATION AREAS CONSIST OF EIGHT SEPARATE AREAS OF SWAMP RESTORATION UP TO APPROXIMATELY 1,965 ACRES.

   AREA 1: 218 AC
   AREA 2: 262 AC
   AREA 3: 524 AC
   AREA 4: 226 AC
   AREA 5: 72 AC
   AREA 6: 337 AC
   AREA 7: 142 AC
   AREA 8: 184 AC

2. ESTIMATED PROPOSED PLANTINGS:

Mitigation Area	Canopy	Midstory
Area 1	118,810	29,648
Area 2	142,790	35,632
Area 3	285,580	71,264
Area 4	123,170	30,736
Area 5	39,240	9,792
Area 6	183,665	45,832
Area 7	77,390	19,312
Area 8	100,280	25,024
Total	1,070,925	267,240

ASSUME SWAMP CANOPY PLANTS SPECIES WILL BE INSTALLED ON A 8FT BY 10FT GRID.

ASSUME SWAMP MIDSTORY PLANTS SPECIES WILL BE INSTALLED ON A 16FT BY 20FT GRID.

3. SITE ACCESS:

   ACCESS TO THE MITIGATION AREAS IS AS FOLLOWS:

   FROM THE NORTH, GUSTE ISLAND ROAD RUNS BETWEEN AREAS 1 AND 8. THIS ROAD THEN SPLITS INTO GRAND RUE PORT LOUIS ROAD WHICH RUNS BETWEEN AREA 4, AREA 5, AND AREA 7 AND S. CHENIER DRIVE WHICH RUNS BETWEEN AREA 2 AND 3.

   STAGING WOULD BE IN THE GENERAL AREA INDICATED. ALL STAGING OF EQUIPMENT WOULD BE VIA BARGE.

   PIPELINE ROUTES INDICATED WOULD BE USED TO TRANSPORT DREDGED MATERIAL FROM THE OUTLINED BORROW AREA. TYPICAL PIPELINE CORRIDORS INDICATE GENERAL LOCATION OF PIPELINES; ACTUAL LOCATION OF PIPELINES WITHIN THE MITIGATION AREA WOULD BE DETERMINED BY THE CONTRACTOR. THE 75-FT PIPELINE CORRIDORS INDICATE LOCATIONS WHERE PIPELINE MUST BE PLACED. PIPELINES WOULD BE PLACED UNDERNEATH ROADS IN THE AREAS INDICATED.

   SAIL ROUTE INDICATED ON THE DRAWING DENOTES GENERAL ROUTES BOATS WOULD TAKE TO TRAVEL TO THE PROPOSED BORROW SITE.

4. PRIOR TO PLACEMENT OF DREDGE MATERIAL, CONTAINMENT DIKES/BERMS WOULD BE BUILT AROUND THE MITIGATION AREAS. A CUTTER SUCTION DREDGE WOULD THEN PUMP MATERIAL FROM THE INDICATED BORROW AREA INTO THE MITIGATION AREAS TO AN ELEVATION OF +2.5 FT NAVD88. AFTER DREDGE PLACEMENT AND A SETTLEMENT PERIOD OF ONE YEAR, THE CONTAINMENT DIKES WOULD BE DEGRADED PRIOR TO PLANTING.

NOTES:

1. ESTIMATED FILL QUANTITIES FOR PROPOSED MITIGATION AREAS ARE AS FOLLOWS:

Mitigation Area	Fill Quantity (Cubic Yards)
Area 1	1,809,900
Area 2	2,205,053
Area 3	4,257,765
Area 4	1,900,702
Area 5	625,541
Area 6	2,756,592
Area 7	1,196,595
Area 8	1,649,163
Total	**16,401,310**

3. RIPRAP:

   RIPRAP INDICATED ON THE DRAWING WOULD BE CONSTRUCTED AS PERMANENT SHORELINE PROTECTION. RIPRAP WOULD BE UNDERLAIN WITH GEOTEXTILE FABRIC. RIPRAP WOULD HAVE A THICKNESS OF 2 FEET AND BE AROUND 16.5 FEET WIDE OVER A LENGTH OF 2,420 FEET. RIPRAP WOULD BE PLACED ON THE SHORELINE FROM ELEVATION +4.5 FT. NAVD88 DOWN TO ELEVATION 0.0 FT. NAVD88.

   ESTIMATED GEOTEXTILE QUANTITY IS 4,575 SY AND ESTIMATED RIPRAP QUANTITY OF 2,940 CY OR 5,700 TONS.

0 1400' 2800'
SCALE

N

US Army Corps of Engineers®
NEW ORLEANS DISTRICT

	DESCRIPTION	DATE	APPR.
MARK			
MARK			

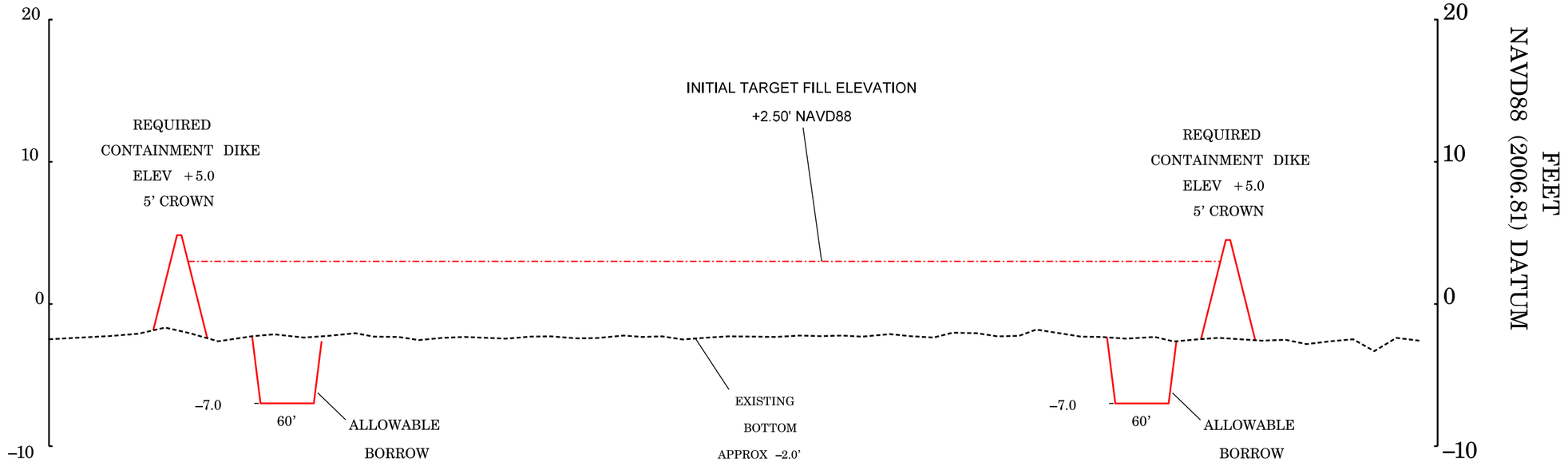
DESIGNED BY: MICHAEL J. TOLIVAR
DRWN BY: MJT.
CKD BY: JAB.
SUBMITTED BY: MICHAEL J. TOLIVAR
PLOT SCALE: 1:400
SIZE: ANSI D
DATE: AUGUST 2019
SOLICITATION NO.: W912P8-18-B-XXXX
CONTRACT NO.: W912P8-19-C-XXXX
PLOT DATE: 08-05-2019
FILE NUMBER: 1-16-XXXXX
FILE NAME:

U.S. ARMY CORPS OF ENGINEERS
NEW ORLEANS DISTRICT
NEW ORLEANS, LOUISIANA

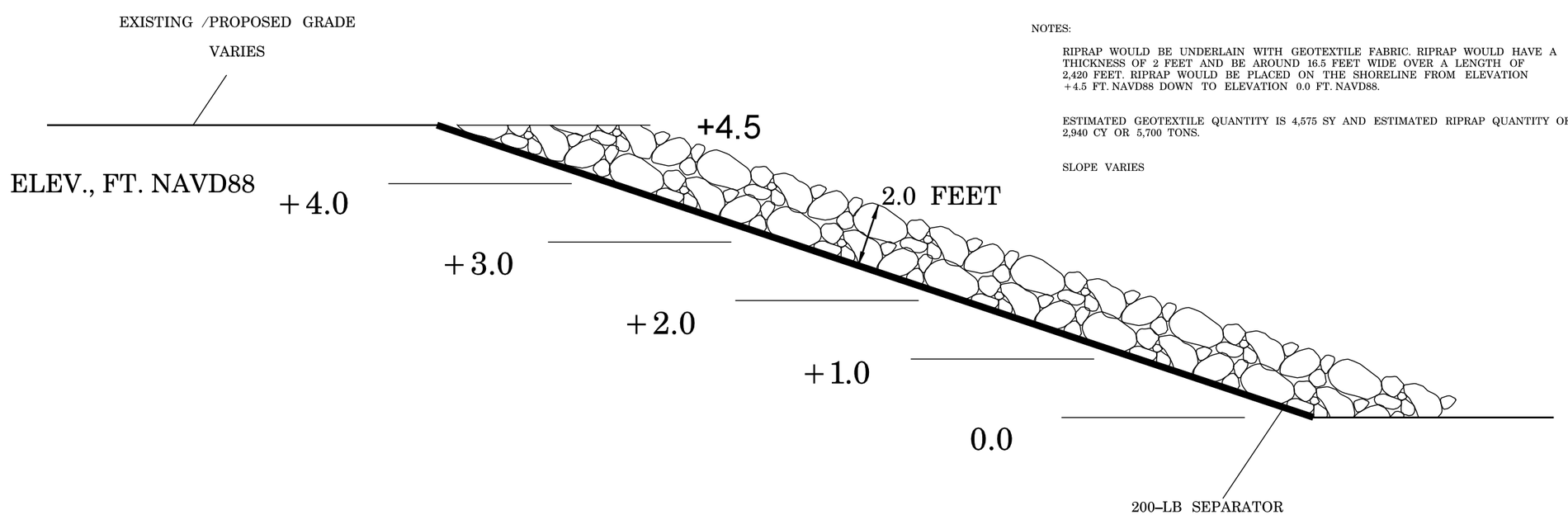
BBA MITIGATION
SWAMP RESTORATION
ST. TAMMANY PARISH, LA

PINE ISLAND MITIGATION SITE
PLAN VIEW

SHEET IDENTIFICATION
C-01



TYPICAL SECTION – SWAMP CREATION
(NTS)



NOTES:

RIPRAP WOULD BE UNDERLAIN WITH GEOTEXTILE FABRIC. RIPRAP WOULD HAVE A THICKNESS OF 2 FEET AND BE AROUND 16.5 FEET WIDE OVER A LENGTH OF 2,420 FEET. RIPRAP WOULD BE PLACED ON THE SHORELINE FROM ELEVATION +4.5 FT. NAVD88 DOWN TO ELEVATION 0.0 FT. NAVD88.

ESTIMATED GEOTEXTILE QUANTITY IS 4,575 SY AND ESTIMATED RIPRAP QUANTITY OF 2,940 CY OR 5,700 TONS.

SLOPE VARIES

TYPICAL SECTION – SHORELINE PROTECTION RIPRAP
(NTS)

US Army Corps of Engineers
NEW ORLEANS DISTRICT

MARK	DESCRIPTION	DATE	APPR

MARK	DESCRIPTION	DATE	APPR

DESIGNED BY: MICHAEL J. TOLIVAR
DWN BY: M.J.T
SUBMITTED BY: KEITH J. OCAÑA
PLOT SCALE: NOT TO SCALE
PLOT DATE: 8/6/2019
SIZE: ANSI D
FILE NAME:
DATES: AUGUST 6, 2019
CKD BY: RWB
SOLICITATION NO.: W912P8-19-B-XXXX
CONTRACT NO.: W912P8-19-C-XXXX
FILE NUMBER: F-XXXXXX

U.S. ARMY CORPS OF ENGINEERS
NEW ORLEANS DISTRICT
NEW ORLEANS, LOUISIANA

BBA MITIGATION
SWAMP RESTORATION
ST. TAMMANY PARISH, LA

PINE ISLAND MITIGATION SITE
TYPICAL MITIGATION AREA AND RIPRAP
CROSS SECTIONS

SHEET IDENTIFICATION
C-02

PROJECT: BBA Mitigation, Joyce WMA Swamp Enhancement, Tangipahoa Parish, Louisiana

GENERAL SOW:

The proposed project involves enhancement of a total of approximately 1,124 acres of existing swamp habitat within the Joyce Wildlife Management Area (WMA) mitigation site on the north shore of Lake Pontchartrain. The mitigation site is an estimated 8 miles southeast of Ponchatoula, LA and is situated east of Interstate 55 in Tangipahoa Parish.

Work will include planting of native canopy and midstory plant species required to enhance swamp habitat as stated herein. The proposed swamp enhancement for this project is broken into three separate mitigation areas as follows:

Mitigation Area ID	Acres
J1	550
J2	195
J3	380
Total	1,125

PROPOSED PLANTING:

Assumed total planting required within the mitigation areas are provided below:

Mitigation Area	Canopy Seedlings	Midstory Seedlings
J1	143,748	35,937
J2	63,707	15,927
J3	132,422	33,106
Totals	339,877	84,969

Assume swamp canopy plants species will be installed on a 10ft by 10ft grid.

Assume swamp midstory plants species will be installed on a 20ft by 20ft grid.

The existing density of canopy and midstory plant species in each mitigation area is quite variable and relatively sparse in many places. The enhancement objectives for the 3 swamp enhancement areas (mitigation areas) is to achieve an average density of at least 250 living native swamp canopy species and an average density of at least 80 living native swamp midstory species per acre. Native swamp and midstory plants would be installed among the existing canopy and midstory plants to help achieve these objectives.

Canopy species would be installed to obtain an initial average density of approximately 435 trees per acre in planted areas. Midstory species would be installed to obtain an initial average density of approximately 109 midstory species per acre in planted areas.

The canopy species would be installed on 10-foot centers, while the midstory species would be installed on 20-foot centers. These represent the typical spacing of plants, but this spacing would be adjusted as necessary to account for and not conflict with existing living canopy and midstory plants. All plants to be installed would be 1 gallon stock. All plantings would be protected by predation guards.

DEGRADE AREAS:

No degrading would be required as planting would occur in existing swamp.

DEMOLISHION:

No existing structures appear to be located within the proposed mitigation areas, thus no demolition is anticipated.

DURATION:

Per PDT, the assumed start date for construction is 1 June 2020. Initial planting activities would likely begin in November 2022 and be completed at the end of March 2023. Notice of Construction Completion (NCC) would be issued soon after completion of the initial planting event.

Monitoring to determine success of the initial plantings would likely occur in October 2023 with the report submitted in December 2023. If this monitoring showed success criteria had been satisfied, a second monitoring event would likely occur in October 2024 with the report submitted in December 2024. Assuming this latter report showed applicable success criteria had been satisfied, the overall project would be turned over to the Non-Federal Sponsor in January 2025.

SITE ACCESS:

Access to the project work limits is to be determined.

STAGING:

Staging area(s) for the proposed mitigation area is to be determined.

MAINTENANCE/MANAGEMENT ACTIVITIES:

The first monitoring event would occur in the fall of the year of the initial plantings. This report could show additional plantings are needed or it may not. Regardless, various mowing events and herbicide application events would take place during the period from the first monitoring event to the second monitoring event. It is assumed that the second monitoring event would show success criteria for the plantings had been achieved as were success criteria about control of invasive and nuisance plants. In this

case, the Non-Federal Sponsor would take over the project including all management and maintenance work.

EQUIPMENT:

Equipment to be used for the respective work is assumed as follows:

Planting: Air boats, diesel-engine boats, small barges, ATVs, UTVs, and marsh buggies

JOYCE WILDLIFE MANAGEMENT AREA

SHEET LEGEND

- PROPERTY BOUNDARY FOR JOYCE WMA
- LIMITS OF MITIGATION AREAS

NOTES:

1. PROPOSED MITIGATION SITES CONSIST OF SWAMP ENHANCEMENT COVERING A OF TOTAL OF APPROXIMATELY 1,1245 ACRES. THE THREE AREAS AS FOLLOWS:

   AREA J1: 550 AC
   AREA J2: 195 AC
   AREA J3: 380 AC

2. ESTIMATED PROPOSED PLANTINGS:

Mitigation Area	Canopy	Midstory
J1	143,748	35,937
J2	63,707	15,927
J3	132,422	33,106
Total	339,877	84,970

ASSUME SWAMP CANOPY PLANTS SPECIES INSTALLED ON A 10FT BY 10FT GRID.

ASSUME SWAMP MIDSTORY PLANTS SPECIES INSTALLED ON A 20FT BY 20FT GRID.

ASSUMED SPACING GRIDS OF PLANTINGS REPRESENT TYPICAL SPACING OF PLANTS, BUT THIS SPACING WOULD BE FIELD ADJUSTED AS NECESSARY TO ACCOUNT FOR AND NOT CONFLICT WITH EXISTING LIVING CANOPY AND MIDSTORY PLANTS.

THE EXISTING DENSITY OF CANOPY AND MIDSTORY PLANT SPECIES IN EACH MITIGATION AREA IS VARIABLE AND SPARSE IN MANY PLACES. PLANTING ESTIMATES BASED ON ACHIEVING AN AVERAGE DENISTY OF AT LEAST 250 LIVING NATIVE SWAMP CANOPY AND 80 LIVING NATIVE SWAMP MIDSTORY SPECIES PER ACRE.

CANOPY SPECIES WOULD BE INSTALLED TO OBTAIN AN INITIAL AVERAGE DENSITY OF APPROXIMATELY 435 TREES PER ACRE IN PLANTED AREAS. MIDSTORY SPECIES WOULD BE INSTALLED TO OBTAIN AN INITIAL AVERAGE DENSITY OF APPROXIMATELY 109 MIDSTORY SPECIES PER ACRE IN PLANTED AREAS.

3. SITE ACCESS:

   ACCESS TO THE MITIGATION AREAS IS TO BE DETERMINED.

4. NO DEGRADING OR DEMOLITION IS REQUIRED FOR THIS PROJECT

TANGIPAHOA RIVER
BEDICO CREEK
AREA J3
380 AC
UNNAMED CANAL
AREA J2
195 AC
UNNAMED CANAL
MIRE CANAL
AREA J1
550 AC
UNNAMED CANAL
TANGIPAHOA RIVER
LAKE PONTCHARTRAIN
MIDDLE BAYOU
N
0 1400' 2800'
SCALE

US Army Corps of Engineers®
NEW ORLEANS DISTRICT

MARK	DESCRIPTION	DATE	APPR.
MARK	DESCRIPTION	DATE	APPR.

U.S. ARMY CORPS OF ENGINEERS
NEW ORLEANS DISTRICT
NEW ORLEANS, LOUISIANA

DESIGNED BY: MICHAEL J. TOLIVAR
DWN BY: M.J.T.
CKD BY: J.A.B
SUBMITTED BY: M.J.T.
PLOT SCALE:
PLOT DATE: 8/24/2019
SITE: ANSTD
FILE NAME:
SOLICITATION NO.:
CONTRACT NO.:
FILE NUMBER:
DATE:

BBA MITIGATION, SWAMP ENHANCEMENT
TANGIPAHOA PARISH, LA.

JOYCE WMA
MITIGATION SITE
PLAN VIEW

SHEET IDENTIFICATION
C-01

PROJECT: BBA Mitigation, Cote Blanche BLH-Wet Creation, St. Mary Parish, Louisiana

GENERAL SOW:

The work consists of proposed mitigation site that is composed of BLH (wet) creation, up to approximately 176.5 acres and Swamp creation, up to approximately 269.6 acres located at existing agricultural fields north of the Intracoastal Waterway and an estimated 5 miles west of the town of Glencoe, LA in St. Mary Parish. The mitigation site is separated by Route LA-83 along with multiple dirt roads. Work will include grading to ensure positive drainage, degrading of existing unpaved roads, harrowing soil to receive planting, and planting of canopy and midstory plant species required to establish BLH and swamp habitat as stated herein.

Work would primarily include removal of the upper 0.5 feet and 1.0 feet of soil within the mitigation areas to establish an appropriate hydroperiod for BLH-Wet plant species, harrowing soil to receive plantings, and planting of native canopy and midstory species required to establish BLH-Wet and swamp habitat as stated herein. The proposed BLH-Wet and swamp creation for this project is broken into separate areas as follows:

BLH – Area 1:	5.8 AC
BLH – Area 2:	0.6 AC
BLH – Area 3:	47.2 AC
BLH – Area 4:	5.2 AC
BLH – Area 5:	12.9 AC
BLH – Area 6:	27.6 AC
BLH – Area 7:	49.4 AC
BLH – Area 8:	19.0 AC
BLH – Area 9:	8.9 AC
Total BLH-Wet:	176.5 AC

Swamp – Area 1:	20.8 AC
Swamp – Area 2:	195.4 AC
Swamp – Area 3:	53.4 AC
Total Swamp:	269.6 AC

Note that the total acreage of BLH-Wet and swamp creation indicated above would be reduced by the Contractor's staging area and possibly by additional dirt roadways within the BLH-Wet and swamp creation area (mitigation area) established for access and maintenance purposes.

PROPOSED PLANTING:

Assuming project BLH and swamp area:

BLH Canopy: Approximately 92,216 seedlings. (545 seedlings per acre)

BLH Midstory: Approximately 21,010 seedlings. (136 seedlings per acre)

Swamp Canopy: Approximately 146,906 seedlings. (545 seedlings per acre)
Swamp Midstory: Approximately 36,659 seedlings. (136 seedlings per acre)

Assume BLH and swamp canopy plants species will be installed on an 8ft by 10ft grid.

Assume BLH and swamp midstory plants species will be installed on a 16ft by 20ft grid.

To maximize water flow into the site, any existing dikes/berms within the property boundary which prevent water flow into the site would be degraded as long as this effort does not harm or adversely affect outside properties/water sources. Any existing drainage features (drainage ditches, etc.) within or adjacent to the mitigation areas and within the property boundary would likely be removed to help assure appropriate site hydrology.

Mowing poles (PVC pipes extending roughly 6 feet above grade) would be installed on each planted row every 50' to 100' to guide mowing operations.

DEGRADE AREAS:

Degrading would be required to help ensure satisfactory hydrology/hydroperiod for BLH-Wet habitat. All of BLH - Area 1, 2, 4, and 5 would need to be degraded to a depth of approximately 1.0ft. All of BLH- Area 6 and 8 would need to be degraded to approximately 0.5ft. BLH - Area 7 would need to be degraded to approximately 0.5ft with the exception of the area indicated which shows no degrading would be required. BLH - Area 9 would not require degrading. There is a possibility BLH - Area 6, 7, and 8 would need to be degraded to a depth approximately 1.0ft but further tests would need to be conducted. No degrading would be required for swamp habitat to help ensure satisfactory hydrology/hydroperiod.

Degraded material would be hauled off site to a contractor provided disposal area. Assume a 15 mile on-way haul distance.

BLH - Area 1: Degrade Approximately: 9,434 CY.
BLH - Area 2: Degrade Approximately: 1,016 CY.
BLH - Area 3: Degrade Approximately: 76,084 CY.
BLH - Area 4: Degrade Approximately: 8,399 CY.
BLH - Area 5: Degrade Approximately: 20,831 CY.
BLH - Area 6: Degrade Approximately: 22,230 CY.
BLH - Area 7: Degrade Approximately: 4,536 CY.
BLH - Area 8: Degrade Approximately: 15,309 CY.

Total Degrade Approximately: 157,839 CY.

DEMOLISHION:

No existing structures appear to be located within the BLH-Wet and swamp creation area (mitigation area).

DURATION:

Per PDT, the assumed start date for construction is 1 June 2020. Necessary harrowing and related activities would likely start around early August 2020 and last approximately 220 days. Initial planting activities would likely begin in December 2021 while the plants are dormant and last approximately 56 days. Notice of Construction Completion (NCC) would be issued soon after completion of the initial planting event.

Monitoring to determine success of the initial plantings would likely occur in October 2022 with the report submitted in December 2022. If this monitoring showed success criteria had been satisfied, a second monitoring event would likely occur in October 2023 with the report submitted in December 2023. Assuming this latter report showed applicable success criteria had been satisfied, the overall project would be turned over to the Non-Federal Sponsor in January 2024.

SITE ACCESS:

Access to the project work limits would be as follows:

Access to the mitigation area would be made via route la-83 which intersects Alice B Road. Alice B Road intersects Louisiana Road which runs north/south along the western limits of the site. Louisiana Road intersects B E Boudreaux Road which runs east/west through the site. This road intersects Louisiana Road which runs north/south through the mitigation areas. Route LA-83 intersects an unnamed road that runs north/south through the areas north of the railroad.

Dirt maintenance/access roads approximately 15 feet wide would be established around the perimeter of the mitigation area shown on the attached drawing. The Contractor may also establish other maintenance/access roads within the mitigation area. Such roads would first have to be approved by the Government. Is approved, such roads would slightly reduce the acreage of the BLH-Wet mitigation area.

STAGING:

Staging area(s) would only be permitted within the shown BLH area indicated on the attached drawings. The Contractor would determine where within the BLH area limits to place staging and laydown areas suitable for the Contractor's means and methods to meet the required project period of performance. The proposed staging area would first be submitted for Government approval. The Contractor would be permitted to place crushed stone paving for parking and laydown areas along with a temporary construction trailer. No utilities would be provided by the Government, and the Contractor must obtain all permissions and permits for utilities. The trailer, crushed

stone paving, and temporary utilities would have to be removed by the Contractor and the end of the project and the disturbed area would have to be planted with native grasses by the Contractor leaving the project site.

MAINTENANCE/MANAGEMENT ACTIVITIES:

After completion of all excavation, grading, and soil preparation activities but prior to initial plantings, herbicides may be applied to the mitigation areas to help control invasive and nuisance plant species. Mowing may also be performed in the mitigation areas during this time period. After the mitigation areas are initially planted and before the success of these plantings is evaluated (monitored), herbicide applications and/or mowing may also occur to help suppress undesirable vegetation. Throughout this period, access/maintenance roads would be maintained as necessary as would be any new drainage features established.

The first monitoring event would occur in the fall of the year of the initial plantings. This report could show additional plantings are needed or it may not. Regardless, various mowing events and herbicide application events would take place during the period from the first monitoring event to the second monitoring event. It is assumed that the second monitoring event would show success criteria for the plantings had been achieved as were success criteria about control of invasive and nuisance plants. In this case, the Non-Federal Sponsor would take over the project including all management and maintenance work.

EQUIPMENT:

Equipment to be used for the respective work is assumed as follows:

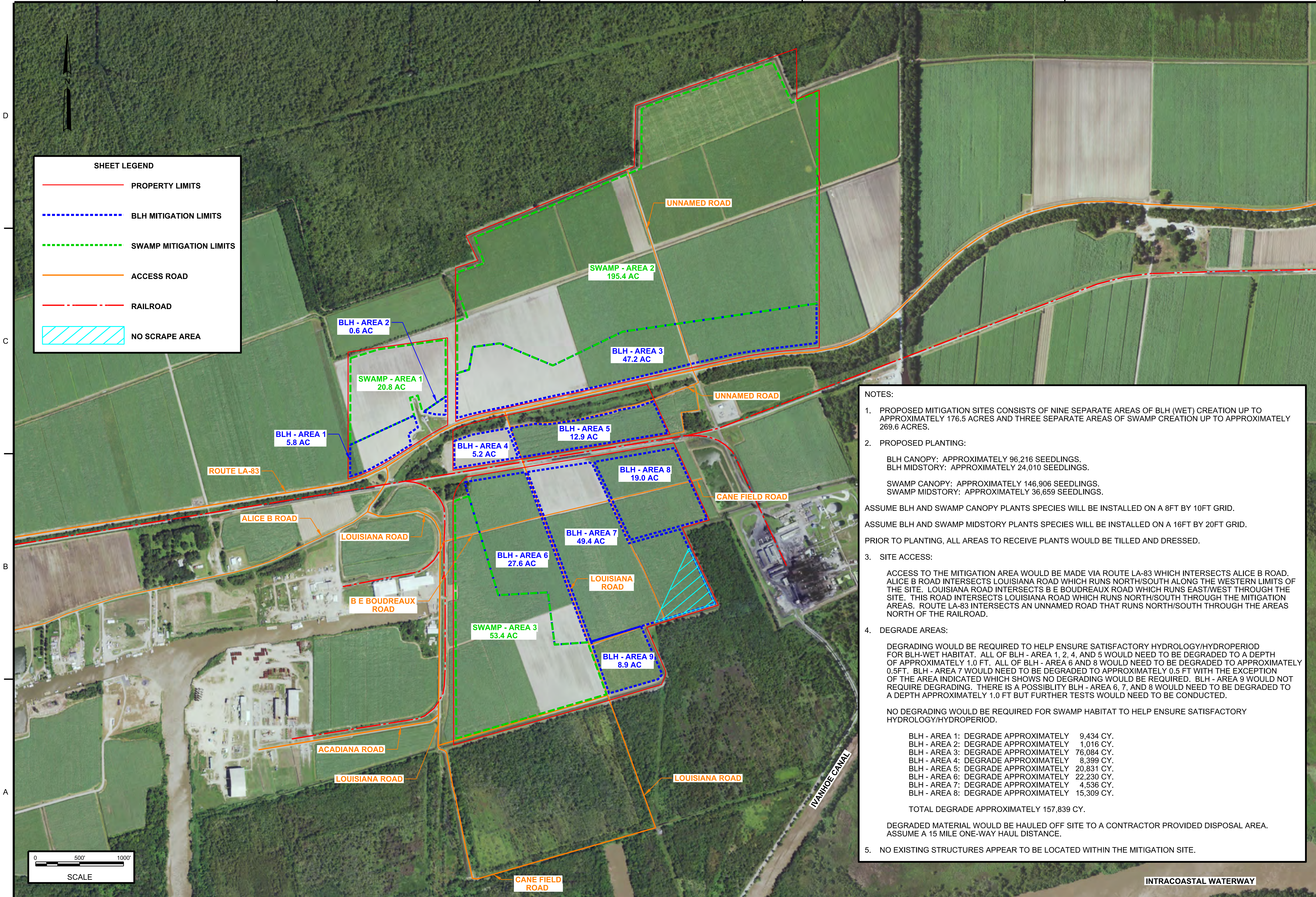
Degrading: Up to D8 bulldozers, wheel tractor scrapers, front-endloaders, off-road and on-road dump trucks.

Planting Preparation: Tractor with harrow and scarifier, bulldozers, and backhoe.

Planting: Pickup trucks and ATVs and/or UTVs, and 2,000 to 4,000 gallon water trucks.

Initial Maintenance: Tractor with brush-hog/mower; ATVs and/or UTVs, back-pack sprayers and/or boom sprayers; bulldozers or backhoes.

Planting: Pickup trucks and/or ATVs, skid loader with auger, and 2,000 to 4,000 gallon water trucks.



NOTES:

1. PROPOSED MITIGATION SITES CONSISTS OF NINE SEPARATE AREAS OF BLH (WET) CREATION UP TO APPROXIMATELY 176.5 ACRES AND THREE SEPARATE AREAS OF SWAMP CREATION UP TO APPROXIMATELY 269.6 ACRES.

2. PROPOSED PLANTING:

   BLH CANOPY: APPROXIMATELY 96,216 SEEDLINGS.
   BLH MIDSTORY: APPROXIMATELY 24,010 SEEDLINGS.

   SWAMP CANOPY: APPROXIMATELY 146,906 SEEDLINGS.
   SWAMP MIDSTORY: APPROXIMATELY 36,659 SEEDLINGS.

ASSUME BLH AND SWAMP CANOPY PLANTS SPECIES WILL BE INSTALLED ON A 8FT BY 10FT GRID.

ASSUME BLH AND SWAMP MIDSTORY PLANTS SPECIES WILL BE INSTALLED ON A 16FT BY 20FT GRID.

PRIOR TO PLANTING, ALL AREAS TO RECEIVE PLANTS WOULD BE TILLED AND DRESSED.

3. SITE ACCESS:

   ACCESS TO THE MITIGATION AREA WOULD BE MADE VIA ROUTE LA-83 WHICH INTERSECTS ALICE B ROAD. ALICE B ROAD INTERSECTS LOUISIANA ROAD WHICH RUNS NORTH/SOUTH ALONG THE WESTERN LIMITS OF THE SITE. LOUISIANA ROAD INTERSECTS B E BOUDREAUX ROAD WHICH RUNS EAST/WEST THROUGH THE SITE. THIS ROAD INTERSECTS LOUISIANA ROAD WHICH RUNS NORTH/SOUTH THROUGH THE MITIGATION AREAS. ROUTE LA-83 INTERSECTS AN UNNAMED ROAD THAT RUNS NORTH/SOUTH THROUGH THE AREAS NORTH OF THE RAILROAD.

4. DEGRADE AREAS:

   DEGRADING WOULD BE REQUIRED TO HELP ENSURE SATISFACTORY HYDROLOGY/HYDROPERIOD FOR BLH-WET HABITAT. ALL OF BLH - AREA 1, 2, 4, AND 5 WOULD NEED TO BE DEGRADED TO A DEPTH OF APPROXIMATELY 1.0 FT. ALL OF BLH - AREA 6 AND 8 WOULD NEED TO BE DEGRADED TO APPROXIMATELY 0.5FT. BLH - AREA 7 WOULD NEED TO BE DEGRADED TO APPROXIMATELY 0.5 FT WITH THE EXCEPTION OF THE AREA INDICATED WHICH SHOWS NO DEGRADING WOULD BE REQUIRED. BLH - AREA 9 WOULD NOT REQUIRE DEGRADING. THERE IS A POSSIBLITY BLH - AREA 6, 7, AND 8 WOULD NEED TO BE DEGRADED TO A DEPTH APPROXIMATELY 1.0 FT BUT FURTHER TESTS WOULD NEED TO BE CONDUCTED.

   NO DEGRADING WOULD BE REQUIRED FOR SWAMP HABITAT TO HELP ENSURE SATISFACTORY HYDROLOGY/HYDROPERIOD.

   BLH - AREA 1: DEGRADE APPROXIMATELY 9,434 CY.
   BLH - AREA 2: DEGRADE APPROXIMATELY 1,016 CY.
   BLH - AREA 3: DEGRADE APPROXIMATELY 76,084 CY.
   BLH - AREA 4: DEGRADE APPROXIMATELY 8,399 CY.
   BLH - AREA 5: DEGRADE APPROXIMATELY 20,831 CY.
   BLH - AREA 6: DEGRADE APPROXIMATELY 22,230 CY.
   BLH - AREA 7: DEGRADE APPROXIMATELY 4,536 CY.
   BLH - AREA 8: DEGRADE APPROXIMATELY 15,309 CY.

   TOTAL DEGRADE APPROXIMATELY 157,839 CY.

   DEGRADED MATERIAL WOULD BE HAULED OFF SITE TO A CONTRACTOR PROVIDED DISPOSAL AREA. ASSUME A 15 MILE ONE-WAY HAUL DISTANCE.

5. NO EXISTING STRUCTURES APPEAR TO BE LOCATED WITHIN THE MITIGATION SITE.

US Army Corps of Engineers®
NEW ORLEANS DISTRICT

MARK	DESCRIPTION	DATE	APPR

MARK	DESCRIPTION	DATE	APPR

U.S. ARMY CORPS OF ENGINEERS
NEW ORLEANS DISTRICT
NEW ORLEANS, LOUISIANA

DESIGNED BY: MICHAEL J. TOLIVAR
DWN BY: M.J.T.
CKD BY: J.A.B
SUBMITTED BY: M.J.T.
PLOT SCALE:
PLOT DATE: 07-17-2019
SIZE: ANSI D
DATE:
SOLICITATION NO.:
CONTRACT NO.:
FILE NUMBER:
FILE NAME:

BBA MITIGATION,
COTE BLANCHE BLH-WET AND SWAMP
ST. MARY PARISH, LA.

BLH - WET AND SWAMP CREATION
PLAN VIEW

SHEET IDENTIFICATION
C-01

JOHN BEL EDWARDS
GOVERNOR

THOMAS F. HARRIS
SECRETARY

State of Louisiana

DEPARTMENT OF NATURAL RESOURCES

OFFICE OF COASTAL MANAGEMENT

March 4, 2020

Marshall K. Harper
Chief, Environmental Planning Branch
Corps of Engineers- New Orleans District
7400 Leake Avenue
New Orleans, LA 70118
Via email: marshall.k.harper@usace.army.mil

RE: **C20190208,** Coastal Zone Consistency
U.S. Army Corps of Engineers
Direct Federal Action
Bipartisan Budget Act 18 Mitigation for Construction Projects: West Shore Lake Pontchartrain Flood Risk Management
St. Mary, St. John the Bapist, St. Tammany and Tangipahoa Parishes, **Louisiana**

Dear Mr. Harper:

The above referenced project has been reviewed for consistency with the Louisiana Coastal Resources Program in accordance with Section 307 (c) of the Coastal Zone Management Act of 1972, as amended. The project, as proposed in this application, is consistent with the LCRP.

If you have any questions on this matter please contact Jeff Harris of the Consistency Section at (225) 342-7949 or jeff.harris@la.gov.

Sincerely,

/S/ Charles Reulet
Administrator
Interagency Affairs/Field Services Division

CR/MH/jdh

cc: Libby Behrens, Corps of Engineers
Tammy Gilmore, Corps of Engineers
Dave Butler, LDWF
Kyle Balkum, LDWF
Craig LeBlanc, OCM/FI
Sabrina Schenk, St. Tammany Parish
René C. Pastorek, St. John the Baptist Parish

From: Linda (Brown) Piper
To: MVN Environmental; Gilmore, Tammy F CIV USARMY CEMVN (USA)
Cc: Yasoob Zia; Keith Horn; Regina Philson; Al Hindrichs; Chuck Berger; Aimee Preau
Subject: [Non-DoD Source] DEQ SOV #200218/0100 Draft EA & FONSI Bipartisan Budget Act Construction Projects:
Date: Friday, March 6, 2020 1:36:32 PM

March 6, 2020

Marshall K. Harper, Chief, Environment Branch
US Army Corps of Engineers
New Orleans District
7400 Leake Avenue
New Orleans, LA 70118
mvnenvironmental@usace.army.mil

RE: 200218/0100

Draft EA & FONSI Bipartisan Budget Act Construction Projects: West Shore Lake Pontchartrain, Comite River Diversion, & EBR Flood Risk Management EA#576
USACE FUNDING
Ascension, E Feliciana, St. James, St. John, St. Mary, St. Tammany, St. Helena and Tangipahoa Parishes

Dear Mr. Harper:

The Department of Environmental Quality (LDEQ), Business and Community Outreach Division has received your request for comments on the above referenced project.

After reviewing your request, the Department has no objections based on the information provided in your submittal. However, for your information, the following general comments have been included. Please be advised that if you should encounter a problem during the implementation of this project, you should immediately notify LDEQ's Single-Point-of-contact (SPOC) at (225) 219-3640.

- Please take any necessary steps to obtain and/or update all necessary approvals and environmental permits regarding this proposed project.
- If your project results in a discharge to waters of the state, submittal of a Louisiana Pollutant Discharge Elimination System (LPDES) application may be necessary.
- If the project results in a discharge of wastewater to an existing wastewater treatment system, that wastewater treatment system may need to modify its LPDES permit before accepting the additional wastewater.
- All precautions should be observed to control nonpoint source pollution from construction activities. LDEQ has stormwater general permits for construction areas equal to or greater than one acre. It is recommended that you contact the LDEQ Water Permits Division at (225) 219-9371 to determine if your proposed project requires a permit.
- If your project will include a sanitary wastewater treatment facility, a Sewage Sludge and Biosolids Use or Disposal Permit is required. An application or Notice of Intent will be required if the sludge management practice includes preparing biosolids for land application or preparing sewage sludge to be hauled to a landfill. Additional information may be obtained on the LDEQ website at Blockedhttp://www.deq.louisiana.gov/portal/tabid/2296/Default.aspx or by contacting the LDEQ Water Permits Division at (225) 219- 9371.
- If any of the proposed work is located in wetlands or other areas subject to the jurisdiction of the U.S. Army Corps of Engineers, you should contact the Corps directly regarding permitting issues. If a Corps permit is required, part of the application process may involve a water quality certification from LDEQ.
- All precautions should be observed to protect the groundwater of the region.
- Please be advised that water softeners generate wastewaters that may require special limitations depending on local water quality considerations. Therefore if your water system improvements include water softeners, you are advised to contact the LDEQ Water Permits to determine if special water quality-based limitations will be necessary.
- Any renovation or remodeling must comply with LAC 33:III.Chapter 28, Lead-Based Paint Activities; LAC 33:III.Chapter 27, Asbestos-Containing Materials in Schools and State Buildings (includes all training and accreditation); and LAC 33:III.5151, Emission Standard for Asbestos for any renovations or demolitions.
- If any solid or hazardous wastes, or soils and/or groundwater contaminated with hazardous constituents are encountered during the project, notification to LDEQ's Single-Point-of-Contact (SPOC) at (225) 219-3640 is required. Additionally, precautions should be taken to protect workers from these hazardous constituents.
- The LDEQ UST Division has not identified any UST sites that may be within or impact the outlines of the project area. If any underground storage tanks are encountered during the project, they must be managed in accordance with LAC Title 33:Part XI of the Environmental Regulatory Code. Blockedhttp://deq.louisiana.gov/resources/category/regulations-lac-title-33.
- If the project will involve any soils which may have contaminant concentrations that exceed the Screening Option Standards established by the LDEQ Risk Evaluation/Corrective Action Program (RECAP) Regulation, these materials may be considered a waste and disposed of at a permitted facility, or might be managed as part of a Solid Waste Beneficial Use or Soil Reuse Plan in accordance with LAC 33:VII.Chapter 11. Alternately, a site-specific RECAP Evaluation might be conducted and submitted to the LDEQ.
- Additionally, the proposed activities must not cause or contribute to the impairments in the respective watersheds. Any activities conducted within the watersheds should benefit the flood mitigation, hydrology, water quality, and ecological characteristics of the respective watersheds. LDEQ recommends that instream base flows be considered and maintained under any proposed project, minimizing any potential impacts to permitted point source discharges or the designated uses within the respective watersheds. All proposed activities, if allowed and conducted, should be monitored to document any benefits or impacts to water quality, protect the water quality and aquatic life in the respective watersheds, as well as ensure the usability of this resources for industry, agriculture, and the public. Monitoring should include the collection of dissolved oxygen, dissolved oxygen percent saturation, total suspended solids, and turbidity at 3-5 stations located upstream and downstream of the project area, as well as within the project area. Wetland mitigation projects should be opportunistically used to link streams to the natural floodplains in order to augment co-benefits of habitat restoration, flood mitigation, and water quality improvement. Using wetland mitigation to help restore the natural functions of the channel and floodplain by restoring hydrologic characteristics such as stream sinuosity, cross sectional area, length, and slope can both reduce flood elevation and duration as well as improve water quality, ecological, and economic conditions. The benefits and costs of all mitigation projects should be evaluated on a cumulative, watershed, or regional basis. Disposal of dredge material may be an issue, particularly if the sediment is contaminated.

Currently, Ascension, E Feliciana, St. James, St. John, St. Mary, St. Tammany, St. Helena and Tangipahoa Parishes are classified as a maintenance area with the National Ambient Air Quality Standards. However, since your general conformity determination shows that the proposed VOC and NOx emissions will be less than the *de minimis* levels, the Department has no objections to implementation of this project.

Please send all future requests to my attention. If you have any questions, please feel free to contact me at (225) 219-3954 or by email at linda.piper@la.gov.

Sincerely,

Linda (Brown) Piper

Louisiana Dept. of Environmental Quality
Office of the Secretary
Phone: (225) 219-3954
Email: linda.piper@la.gov

DEPARTMENT OF THE ARMY
CORPS OF ENGINEERS, NEW ORLEANS DISTRICT
7400 LEAKE AVENUE
NEW ORLEANS, LOUISIANA 70118

31 JAN 2020

REPLY TO
ATTENTION OF:

Regional Planning and Environment
Division, South

Patrick Williams
NOAA Fisheries - Southeast Region
Habitat Conservation Division
5757 Corporate Blvd., Suite 375
Baton Rouge, LA 70808

Dear Mr. Williams:

A draft environmental assessment (EA) titled " Bipartisan Budget Act (BBA) Construction Projects; West Shore Lake Pontchartrain (WSLP), Comite River Diversion (Comite) and East Baton Rouge (EBR) Flood Risk Management, BBA Construction Mitigation EA #576" and draft Finding of No Significant Impact (FONSI), prepared by the U.S. Army Corps of Engineers, New Orleans District are enclosed for your review and comment. An electronic copy of the report and its appendices, along with prior reports and supporting documents are located on the CEMVN District web page at: http://www.mvn.usace.army.mil/Environmental/NEPA/.

The proposed action as presented in EA #576 consists of restoring or enhancing up to 4,694 acres of swamp to mitigate 1,504 average annual habitat units (AAHUs) of swamp impacts and restoring up to 2,647 acres of BLH-Wet to mitigate 1,045 AAHUs of BLH-Wet impacts incurred during construction of the BBA 18 Construction Projects.

The enclosed NEPA document represents CEMVN's initiation of essential fish habitat consultation as required under the Magnuson-Stevens Fishery Conservation and Management Act. Please review the enclosed documents and provide comments within 30 days of the date of this letter. The FONSI will not be signed until all environmental review and compliance requirements have been completed. A copy of the signed FONSI will be provided upon request.

Comments should be mailed to the attention of Ms. Tammy H. Gilmore; U.S. Army Corps of Engineers; Regional Planning and Environment Division South; New Orleans Environmental Branch; CEMVN-PDS-C; 7400 Leake Avenue; New Orleans, Louisiana 70118.

Comments may also be provided by email to mvnenvironmental@usace.army.mil. Ms. Tammy H. Gilmore may be contacted at (504) 862-1002 if questions arise.

Marshall K. Harper
Chief, Environmental Planning Branch